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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1889.

No. 1538.

CHARLES PALLISER, APPELLANT,

vs.

THE UNITED STATES OF AMERICA AND JOHN A. SHIELDS, INDIVIDUALLY AND AS UNITED STATES COMMISSIONER, AND MARTIN T. McMAHON, INDIVIDUALLY AND AS MARSHAL OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

FILED JANUARY 11, 1890.

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1 The President of the United States to Hon. John A. Shields, United States commissioner, and Hon. Martin T. McMahon, [SEAL.] marshal of the United States for the southern district of New York, Greeting:

Certiorari to Certify Cause of Detention.

Command you that you certify fully and at large to a stated term of the circuit court of the United States for the southern district of New York, at the post-office building in the city, county, and State of New York, at 3 p. m., November 26th, 1889, the day and cause of the imprisonment of Charles Palliser, and all proceedings, complaints, hearings, trials, commitments, and orders in relation to him, who is by you detained, as is said, by whatsoever name the said Charles Palliser shall be called or charged; and have you then this writ.

Witness Hon. Melville W. Fuller, Chief Justice of the United States, on the 26th day of November, 1889.

JOHN A. SHIELDS, *Clerk.*

ROGER FOSTER,
Petitioner's Attorney, 206 *and* 208 *Broadway, New York.*

Endorsed: United States circuit court, southern district of New York. Matter of Charles Palliser. Writ of certiorari. Roger Foster, petitioner's attorney, 206 and 208 Broadway, New York. Allowed Nov. 26, 1889. E. H. Lacombe.

2 THE UNITED STATES
vs.
CHARLES PALLISER.

To the circuit court of the United States for the southern district of New York:

I, John A. Shields, United States commissioner for the southern district of New York, in obedience to the foregoing writ of certiorari, do hereby certify that the papers hereunto annexed and returned herewith contain the record of the proceedings had before me in the above-entitled matter.

New York, Nov. 26, 1889.

JOHN A. SHIELDS,
[SEAL.] *U. S. Commissioner, S. D. of N. Y.*

3 UNITED STATES OF AMERICA, } *ss:*
Southern District of New York, }

John H. Bario, being duly sworn, deposes and says that he is an inspector of the Post Office Department; that on October 23rd, 1888, Charles Palliser, of the city and State of New York, then and there doing business under the name and style of Palliser, Palliser and Co. at Old Lyme, in the county of New London, in the State and district

of Connecticut, with force and arms unlawfully and wilfully did tender to one W. R. De Wolfe, who then and there was and thereafter continued to be until the 4th day of March, 1889, a postmaster of the United States at a certain post office known as Black Hall, in said county of New London, a certain contract in the words and figures following:

"NEW YORK, *October* 23, 1888.

Postmaster, Black Hall, Conn.

DEAR SIR: We desire in each county a place through which to send out mail matter, as we want to reach every business man, mechanic, and real-estate man in every State by circular.

If we ship to you from our printing department, located in the count-y in your State, say, 5,000 or 10,000 circulars in envelopes, and each addressed, will you give the same your careful attention, sending out daily 50 to 100 during the coming months until
4 they are all out, and then render us statement of same, with account for stamps used, and we will remit.

We are doing this at other general store post offices in adjoining counties to yours, and it is perfectly legitimate, and we await your reply in addressed and stamped envelope enclosed herewith, as, if you cannot attend to same, we must at once send elsewhere.

Yours very truly,

PALLISER, PALLISER AND CO."

with the intent of him, the said Palliser, to induce him, the said De Wolfe, as such postmaster, to do certain acts in violation of his lawful duty as such postmaster—that is to say, to sell him, the said Palliser, postage stamps of the United States otherwise than for cash, to wit, upon the credit of said Palliser, against the peace of the United States and contrary to the statutes thereof in such case made and provided. Deponent further says that said Charles Palliser is now within the southern district of New York.

JOHN H. BARIO.

Subscribed and sworn to before me this 27th day of Sept., 1889.

JOHN A. SHIELDS,
U. S. Commissioner.

(Endorsed:) U. S. *vs.* Palliser. Aff't. Filed Sept. 27th, 1889.

5 UNITED STATES
vs.
CHARLES PALLISER. } Before Commissioner Shields.

NEW YORK, *October 24th*, 1889.

Appearances: For the Government, Daniel O'Connell; for the defendant, Roger Foster.

FRANK E. HALL, a witness on behalf of the Government, being duly sworn, testified as follows:

Direct examination by Mr. O'CONNELL:

Q. What is your business?
A. I am a merchant at South Coventry, Connecticut.
Q. Are you the postmaster at that place?
A. No, sir; not now.
Q. You have been?
A. Yes, sir.
Q. During what period were you postmaster at that place?
A. From about February, 1888, I think it was, until the 12th of last month.
Q. The 12th of September?
A. Yes, sir.
Q. Do you know the defendant, Charles Palliser?
A. No, sir.
Q. Look at the paper I show you and state whether you have ever seen that before.
A. Yes, sir; I think I have.
Q. Where and under what circumstances?

6 Objected to as irrelevant and immaterial and incompetent. Objection overruled. Exception.

A. I saw it addressed to me at South Coventry as postmaster of that place.
Q. You received it through the mail, did you?
A. Yes, sir; I think I did.
Q. Did you afterwards receive anything else in the way of a box containing circulars or anything of that character?
A. I did.
Q. What was that?
A. They were circulars.
Q. How many?
A. I don't know.
Q. A large box?
A. There were three boxes—that is to say, I received three boxes and only opened one of them.
Q. What was in the box?
A. Circulars.
Q. Stamped or unstamped?
A. Unstamped.

Defendant's counsel moves to strike out the last question and answer. Motion denied. Exception.

Paper marked for identification Ex. No. 1.

Q. What did you do with those boxes, one of which you opened and which you say contained circulars?

A. What did I do with that one or all of them?

Q. With any of them.

A. I sent out a few of those from the box.

Q. A few of those circulars?

A. Yes, sir.

Q. Through the mail?

A. Yes, sir.

Q. Did you stamp them before you sent them out?

A. Yes, sir.

Q. You put stamps on?

A. Yes, sir; I did.

7 Q. How many did you send out?

A. If my memory serves me, something like five or six hundred of them. I can't tell positively in regard to that.

Q. How many did you send out a day?

A. I couldn't state.

Q. All that you did send out you put stamps on?

A. Yes, sir.

Q. A two-cent stamp?

A. No, sir; a one-cent stamp.

Q. On each.

A. Yes, sir.

Q. So that the only stamp on each of those circulars when it left your office was the stamp that you put on?

A. I don't know that I understand the question.

Q. Was there any other stamp on except the stamp that you put on?

A. No; no other stamp.

Q. What did you do with the balance of the circulars?

A. I had got them.

Q. Why didn't you send out the balance?

Objected to as immaterial. Objection sustained.

Q. Look at the paper I now show you and state if you have seen that before.

A. I think I have; yes, sir.

Q. Did that come through the mail to your office?

A. Yes, sir.

Q. Addressed to you in your official capacity?

A. I think it did.

Paper marked No. 2 for identification.

Q. Did you ever receive any money from any one to reimburse you for the stamps that you put on those circulars that you testify you sent out?

Objected to as immaterial and irrelevant. Objection sustained.

8 By the COMMISSIONER:

Q. You didn't receive any money when you received the circulars or before you sent them out?

A. No, sir.

Defendant's counsel objects to the question and answer as irrelevant and immaterial. Objection overruled. Exception.

Cross-examination by Mr. FOSTER:

Q. What consideration have you received for coming here to testify against Mr. Palliser?

A. Not a penny.

Q. Haven't you been indicted for sending out these circulars without insisting on prepayments?

A. I don't understand that question. (Question repeated.) I have been called before Judge Tenny, in Norwich.

By Mr. O'CONNELL:

Q. Has any charge been presented to the grand jury by which you have been indicted?

A. Yes, sir.

Mr. O'CONNELL: He don't understand the question.

By Mr. FOSTER:

Q. Have you come to any agreement with the district attorney about what is to be done with the charges against you?

A. I don't understand you.

Q. Has the district attorney or any one representing the State of Connecticut told you what he intended to do with the charges against you?

A. No, sir; not if I understand the question.

Q. Has any one representing the Government of the United States or claiming to represent the Government of the United States
9 made any agreement with you as regards the disposition of the charges against you?

A. No, sir.

Q. Do you expect to be tried?

A. I don't know anything about it. I am charged or cited before the district court December 1st, as I understand it.

Q. You understand that you are to be tried then?

A. Yes, sir; I suppose I am; I don't know.

Q. You have been before the United States commissioner on charges?

A. I was before Judge Tenny, United States commissioner, and he held me for appearance December 1st, at the term of said court in Hartford.

Q. You have made no agreement about your being let off in consideration of your turning State's evidence?

A. No, sir; not a thing.

Q. How did you receive this first letter, marked No. 1 for identification?
A. Through the mail.
Q. A stamped envelope?
A. Yes, sir.
Q. From New York?
A. I couldn't say whether it was from New York or not.
Q. Did you answer it?
A. I think I did.
Q. You answered it to New York, didn't you?
A. I couldn't say whether I answered it to New York or not.
Q. You don't know?
A. No, sir. I should presume to say that I did; but I can't say positively whether I answered it to New York or Bridgeport, but I think to New York.
Q. The letter had a postmark?
A. I presume it did, but I couldn't state.
Q. According to the best of your recollections that letter came to you from New York city, didn't it?
A. Yes, sir.
Q. But you are not positive about — that is your best recollection on that point?
A. Yes, sir.
Q. How about the letter marked No. 2 for identification? What is your best recollection about that?
A. It is just the same as with the other. I couldn't swear whether it came from New York or Bridgeport, but I should think from New York.
Q. That is your best recollection?
A. Yes, sir.
Q. They both came through the mail?
A. Yes, sir.

By Mr. O'CONNELL:

Q. Your answers were sent to New York city through the mail?
A. Yes, sir; as I understand it.
Q. Addressed to Palliser, Palliser & Co.?
A. My letters to Palliser.
Q. Your answers to these two letters?
A. Yes, sir. I think they were sent to New York.
Q. To whom?
A. To Palliser, Palliser & Co.

Mr. O'Connell offers the two letters in evidence.

WILLIAM E. OLMSTEAD, witness called on behalf of the Government, being duly sworn, testifies as follows:

Direct examination by Mr. O'CONNELL:

Q. Where do you reside?
A. East Hartland, Connecticut.

Q. Are you the postmaster at East Hartland now?

A. No, sir; not now. I was postmaster from October 12, 1888, to January 10, 1889.

Q. Look at the paper I now show you and state if you have seen that before.

A. I have.

11 Q. How did you get it?

A. Through the mail at East Hartland.

Q. Addressed to you in your official capacity?

A. To my address as postmaster; no name, but addressed as postmaster.

Q. Did anything come with it.

A. There didn't at that time.

Q. Subsequently?

A. There did.

Q. What?

A. Two boxes of printed matter came to Granby depot about the first week in January. This is the nearest railroad station. They came to my address.

Q. How soon after the receipt of this letter did you receive those boxes?

A. It was all of two and one-half months.

Q. What did the boxes contain?

A. That I can't swear to, for I didn't open them.

Q. Did any money accompany this letter?

A. There did not.

Letter marked No. 3 for identification.

Q. Do you know how many circulars were in those boxes?

A. I had a letter informing me there were 10,000.

Q. From whom?

A. Palliser, Palliser & Co.

Q. Did you receive this letter through the mail addressed to you in your official capacity?

A. I did.

Q. About the time you received these two boxes?

A. A short time prior.

Letter marked No. 4 for identification.

Q. Did you receive this letter which I show you?

A. I did.

Q. Through the mail?

A. Yes, sir.

Letter marked No. 5 for identification.

12 Q. Through the post office?

A. From the Post Office Department in Washington.

Q. Where are those two boxes of circulars? Are they in your possession?

A. They are not.

Q. Where are they?

A. In the depot at Granby, the last I knew of them.

Cross-examination by Mr. FOSTER:

Q. This first letter marked No. 3 you received by mail?
A. Yes, sir.
Q. In a sealed envelope?
A. Yes, sir.
Q. According to your best recollection, it was postmarked "New York?"
—. It was postmarked "Bridgeport."
Q. The first letter?
A. Yes, sir.
Q. You are positive in regard to that?
A. Yes, sir; I am certain of that.
Q. What has become of the envelope?
A. I have not the envelope, but my memory is very good on that. It came from Bridgeport, the first letter that I received.
Q. Did you answer it to Bridgeport?
A. I will not be positive whether my reply was to be directed to New York or Bridgeport.
Q. It is dated New York?
A. I notice there was a number of letters of other correspondence dated New York and mailed from Bridgeport.
Q. Are you positive the first letter came from Bridgeport?
A. I am positive it was postmarked Bridgeport.
Q. What called your attention to the envelope?
A. Because, in the first place, I noticed the nearness to a
13 Government penalty envelope. I scrutinized it closely; then I noticed particularly the postmark was in one place and the date in another. Then I saw they evidently had two places of business. It was postmarked Bridgeport and dated New York, and as I looked into the matter I made up my opinion that they had two places of business. I inferred that they used the Bridgeport office for the distribution of the Connecticut matter.
Q. Wasn't it the circulars which were postmarked Bridgeport?
A. There were no circulars.
Q. The box of circulars—weren't they from Bridgeport, instead of the letter?
A. They were sent by railroad. There was no postmark on them. They came by freight, and they went to Andover, and from there onward to Hartford, and from Hartford to East Hartland.
Q. And your recollection is clear and distinct that the postmark of the first letter was Bridgeport?
A. Yes, sir.
Q. How about the other letter?
A. That I couldn't tell you. I paid more attention to the first letter in studying up what the concern was in noticing they had two places of business. The last—I couldn't swear whether it came from New York or Bridgeport.
Q. What became of the envelope?
A. It is probably lost.

Q. Do you know?
A. They were lost. I didn't save the envelopes.
Q. How do you know that?
A. I didn't save any envelopes.
Q. Do you remember destroying it?
A. It went in the waste basket.
14 Q. Did you search for it?
A. No, sir.
Q. Never searched for them?
A. All of my correspondence I withdraw from the envelope and keep them on file.
Q. You have not looked for this envelope?
A. No, sir; I have not.
Q. With whom have you discussed your testimony?
A. I haven't talked it over with any one.
Q. You have been brought down here without the Government knowing what you were going to swear to?
A. The inspector asked me the facts of the case, and I gave him a rough draft. I told him what documents I had and I told him what I had done.
Q. Did you answer those letters?
A. I did.
Q. Where did you write the answers—to Bridgeport or New York?
A. That I will not be positive of. I sent a number of answers. I presume some went to Bridgeport and some to New York.
Q. Did you discuss your testimony with Mr. Bario to-day?
A. Not finally. I told him a rough draft of the case—what I had received and what I had done.
Q. To-day, did you?
A. I haven't seen him to-day.
Q. Or with the district attorney?
A. I have not. I had no conversation with any Government official whatever.
Q. You had no consultation with any Government official since Mr. Bario called on you?
A. No. I told him what I had done. I told him what I had received from Palliser and what I had done and the way I had proceeded and what documents I had, and he called for them and I delivered them over.

15 WINTHROP R. DEWOLF, a witness called on behalf of the Government, being duly sworn, testified as follows:

Direct examination by Mr. O'CONNELL:

Q. Where do you reside?
A. Black Hall.
Q. Are you the postmaster at that place now?
A. Yes, sir.
Q. And have been for how long?
A. About three years.

Q. Look at the paper I show you and state whether you have ever seen that before.
A. Yes, sir; I have.
Q. Received it by mail?
A. Yes, sir.
Q. In a postmarked envelope?
A. Yes, sir.
Q. Addressed to you in your official capacity?
A. Yes, sir; as postmaster of Black Hall, Conn.

Letter marked No. 6 for identification.

Q. At about the time of the receipt of this letter did you receive anything by freight—a box or anything of that character?
A. I did, shortly after.
Q. How long after?
A. Perhaps half a month.
Q. One box?
A. One box.
Q. Did you open it?
A. I did not.
Q. You don't know what it contains?
A. No, sir.
Q. Did you make any reply to this letter, marked No. 6?
A. Yes, sir.
Q. You sent it to whom?
A. Palliser, Palliser & Co., New York city. I forget the number of the street.

16 Cross-examination by Mr. FOSTER:

Q. Did you receive that letter through the mail?
A. I did.
Q. In a sealed envelope?
A. Yes, sir.
Q. According to your best recollection, was the postmark New York?
A. New York.
Q. That is your best recollection, is it?
A. Yes, sir.
Q. That was the postmark of the place where it was mailed?
A. I think it was.

By Mr. O'CONNELL:

Q. Look at this letter. Did you send that through the mail to Palliser, Palliser & Co.?
A. I did.
Q. On the day of its date?
A. Yes, sir; on that day.

Letter marked No. 7 for identification.

By Mr. FOSTER:

Q. Did you mail this letter?
A. Yes, sir.
Q. How did you get it back? How does it happen to be in your possession?
A. I always keep a copy.
Q. That is a copy of the letter you mailed?
A. That is a copy; that is what I should have said.

Defendant's counsel objects to the letter, as it is a copy.

By Mr. O'CONNELL:

Q. Is it an exact copy?
A. Yes, sir.

Counsel for the Government calls upon the defendant's counsel to produce the original letter.

By Mr. FOSTER:

Q. Did you copy it in a letter book?
A. No, sir.

17 Defendant's counsel objects to the call made upon him.

JOHN H. BARIO, a witness called on behalf of the Government, being duly sworn, testified as follows:

Direct examination by Mr. O'CONNELL:

Q. Where do you reside?
A. My home is in Connecticut.
Q. You are a post-office inspector?
A. Yes, sir.
Q. And have been for how long?
A. About 2½ years.
Q. You have had charge of the investigating of this complaint against the defendant, have you not?
A. Yes, sir.
Q. Have you had conversations with him in regard to this letter?
A. I have.
Q. How many can you specify and the date of them and where they took place?
A. There were two or three; all at Mr. Palliser's place of business, in 42nd street.
Q. No. 24 East 42nd street, New York city?
A. Yes, sir.
Q. Look at Exhibit No. 6 and tell me whether in any conversation you had with him in 42nd street you referred in any way to that exhibit, being a circular addressed to the last witness.
A. I exhibited that to the defendant with others, and asked him if he had sent it out, and he said he had. I had noticed that in other papers of a similar character the body of the document appeared to be done in manifold by some printing operation, and it was in that

way that I introduced the conversation to Mr. Palliser. I inquired if it was not produced in manifold, and he said "yes," and
18 then I said as to the signature and address at the top and bottom, those appear to be genuine. "Oh, yes," he says; "I signed them and filled in the name of the postmaster at the top afterwards, but the body of the letter was done in manifold."

Q. Then he stated to you that he had signed the signatures on Ex. No. 6 and filled in the address of the postmaster of Black Hall, Conn., afterwards?

A. Yes, sir.

Q. And also stated that he had sent that identical circular, Ex. No. 6, to the postmaster at Black Hall, Conn.?

A. Yes, sir.

Q. Through the mail?

Objected to as leading. Question withdrawn.

Q. State all the conversation you had with the defendant in regard to Ex. No. 6.

A. I think I have done so. There were other papers exhibited with this.

Q. Did you exhibit to him at that time other circulars signed Palliser, Palliser & Co. in the same hand as this circular, Ex. No. 6?

A. I exhibited to him at that time four of these letters. They were addressed, respectively, to the postmasters at Black Hall, Norfolk, Marion, and East Hartland, Connecticut.

Q. What then occurred?

A. I had the conversation some time that I have related.

Q. Did you ask him whether he had sent the four circulars that you have described to the postmasters as directed?

(Objected to as leading.)

Q. Give the whole conversation.

A. There was a great deal of talk there. I commenced by showing Mr. Palliser this paper, which is a complaint made by him
19 in reference to some mail matters of his own, and as the signature was evidently that which appeared on these other papers, I asked him if that was his complaint, and he said that it was. I asked him if he had written it, and he said he had. From that conversation I turned to the matter of the postmasters, and I said to him he had succeeded in getting all these postmasters up in Connecticut into trouble, and I then produced these four circulars and I remarked to him that his penmanship was very uniform, and he said "yes," it was; then I said to him: "I have here a number of circulars that you have sent to the postmasters in Connecticut," and I said: "How is it that these all have so much similarity—the bodies of them—they look to me as though they were done in the manifold," and he said that it was true; that is the way he did do it; they were all printed, and I said as to the signature and address at the top, I inquired if those were also a part of the duplication process, and he said "No;" that he had signed them and filled in the names of the postmasters at the top, those to whom he wanted

to address them. I think that was all the conversation bearing upon the letters; we had other conversation.

Q. That conversation referred to all these four circulars?

A. Most assuredly.

Q. And while they were before him?

A. Yes, sir.

Q. And produced by you?

A. Yes, sir.

The exhibits marked Exhibits 1, 2, 3, 4, 5, 6, 8, and 9 for
20 identification are received in evidence on motion of Mr. O'Connell and marked Exhibits 1, 2, 3, 4, 5, 6, 8, and 9.

UNITED STATES
v.
PALLISER.

NEW YORK, *Nov'r 20th*, 1889.

Same parties present.

JOHN H. BARIOS recalled.

By Mr. O'CONNELL:

Q. State, if you are able, what class of post offices are the post offices at South Coventry, Black Hall, East Hartland, Norfolk, and Marion, Connecticut.

Objected to on the ground that this is a question of proof for the official records and not for Mr. Barios to prove; and, furthermore, upon the ground that it is irrelevant and immaterial what class of postmasters these men belong to.

The COMMISSIONER: I sustain the objection on the ground first above stated.

Mr. O'CONNELL: Then I shall move for an adjournment in order to get the official record.

(Objection withdrawn.)

A. They are all fourth class.

Q. And were of that class at or about the time stated in the complaint, were they not?

A. Yes, sir.

Q. Are they salaried officers?

21 A. No, sir; the postmasters are compensated upon the basis of the stamps cancelled.

Q. You say that the postmasters are compensated upon the basis of the number of stamps cancelled?

A. The amount of stamps cancelled.

Q. In the respective offices?

A. Yes, sir.

Q. So that the compensation of Frank E. Hall, postmaster at South Coventry, Conn., was based entirely upon the amount of stamps cancelled in his office?

A. Yes, sir.

Q. And such was the case with William E. Olmstead, postmaster of East Hartland?

A. The same; yes, sir.

Q. And such was the case with Winthrop R. De Wolf, postmaster of Black Hall?

A. Yes, sir.

Q. And such was the case with E. C. Stevens, postmaster at Norwalk, Connecticut?

A. Yes, sir.

Q. And such was the case with Mrs. C. A. Seelig, postmaster at Marion, Connecticut?

A. The same; yes, sir.

Q. What was the effect, so far as the income of these postmasters that I have named is concerned, of their complying with the request contained in the circulars sent to them by Mr. Palliser, which have been put in evidence?

Objected to by Mr. Foster upon the ground that the question calls for a conclusion of law and is a hypothetical question not supported by any facts proved in the case. Objection sustained; exception.

Mr. O'CONNELL: I want to show that that payment of money to these postmasters came in the way of an increased income that they got by doing something which they by law were not entitled to do.

22 The COMMISSIONER: I will allow the question if it is altered.

Q. What would have been the effect, so far as the income of these postmasters that I have named is concerned, of their complying with the request contained in the circulars sent to them by Mr. Palliser, which have been put in evidence?

Same objection. Objection overruled; exception.

A. The effect would have been to have increased the compensation of those postmasters to the extent of the additional stamps cancelled or the commission upon them.

Q. And would the Government have been out that amount of money?

Same objection; same ruling; exception.

A. Most assuredly.

Q. In other words, if the circular mentioned in the letter that Mr. Palliser sent out had been deposited in the post office in the city of New York the Government would have been saved what sum of money, if you can state it?

Same objection, ruling, and exception.

A. They would not have been paid the entire amount in all cases, but they would have been paid such amount as the postmaster was entitled to receive as their commission upon that amount. If I may be permitted to do so, I will explain how the 4th-class postmasters are compensated.

Q. Please do so.

A. He is required to keep an account daily of the amount
23 of his cancellations, and at the end of the quarter he makes his total, and of that amount he is entitled to receive upon the first $50, 100%; upon the next $100, 60%; upon the next $200, 50%, and above that amount 40% until he reaches the limit of his compensation, $250 per quarter. So that, if in any of these cases the office was so small that the normal condition of business did not reach $50 of cancellation a quarter the Government would have lost all of the stamps cancelled up to that sum, and that portion that was cancelled above that sum they should have lost 60% of up to 150%, &c.

Q. What class of postmasters are compensated in the way of salary?

Objected to as incompetent. Objection sustained.

Q. Is the postmaster at New York city a salaried officer?

Same objection. Objection sustained.

Mr. FOSTER: I move to correct the stenographer's minutes by putting in them the statement made by the district attorney at the first hearing upon this charge, in which he stated in the presence of the commissioner that Mr. Palliser had offered to the district attorney of the district of Connecticut to turn State's evidence, and also had offered to pay $1,800 in case the proceedings against him were dismissed.

Mr. O'CONNELL: I object to that statement going in, on the
24 ground that no such thing transpired; and, in the second place, that what happened in that connection formed no part of the record in this case, but was simply an inquiry made by the district attorney of the defendant's counsel for his own information. The commissioner states that he did not consider at the time that the statement before referred to formed any part of the proceedings in the case, and he made no note of it at the time on his notes, his recollection being that it was in the form of an inquiry by the district attorney to Mr. Foster across the table during the examination of the case, and to which he paid no special attention.

By Mr. FOSTER:

Q. You are the complainant in this case, are you not?
A. No, sir.
Q. You made an affidavit in the case, didn't you?
A. I did.
Q. How was your attention first called to these alleged proceedings on the part of Mr. Charles Palliser?

Objected to as improper, witness being a public officer, and as such is not obliged to answer.

The COMMISSIONER: If it is going to interfere with justice, I will not allow the question.

WITNESS: Is it desired that I should state what knowledge I had of his connection with the postmasters?

Q. How you first obtained information of these alleged matters with which you charge Mr. Palliser?

A. I first became acquainted with the fact that Mr. Palliser
25 had had dealings with the postmaster of Black Hall by finding upon the shipping books of the New York, New Haven & Hartford R. R. the record of the shipment from Palliser, Palliser & Co. to W. R. DeWolf, and I visited the postmaster at Black Hall and inquired about it.

Mr. FOSTER: I waive any objection founded upon the absence of the defendant.

(Witness continues:) I then obtained from the postmaster of Black Hall the tender which he had received from Mr. Palliser.

Mr. FOSTER: I move to strike out what witness says about the "tender;" there was no tender.

The WITNESS: It was an offer.

The COMMISSIONER: It is for me to decide that.

Q. Did you receive any information from any third parties not connected with these procedings, upon which you instituted your inquiries?

A. I object to answering that question. I obtained considerable information in this case in a confidential way, and it might interfere with the proper discharge of my duties further in the interests of the Government.

Objection sustained.

Q. You are a post-office inspector, are you not?

A. I have so testified.

Q. How are you compensated?

Objected to as immaterial. Question allowed. Exception.

A. I have a salary and a *per diem* allowance when en-
26 gaged in work.

Q. How much *per diem* and how much salary?

Objected to as immaterial.

The COMMISSIONER: I think the witness had better answer the question, though I don't see how it is material.

Mr. O'CONNELL: But I object.

Objection sustained.

Q. What charges, if any, have you against Mr. Palliser other than those before Mr. Shields?

Objected to as incompetent. Objection sustained. Exception.

CATHARINE A. SEELIG, — witness called for the prosecution, being duly sworn, testified as follows:

By Mr. O'CONNELL:

Q. You are the postmaster at what place?

A. Marion, Connecticut.

Q. And have been for how long?

A. 14 years last July.

Q. Please look at the paper I show you, marked Ex. 8 in this case, and also the envelope which I hand you, and state if you have seen those before, when and under what circumstances?

A. I can't tell the day.

Q. Just state about the time. Was it about the date of the letter? You received it through the mail?

A. I did.

Q. And this envelope came with it?

A. That came with the letter for my reply.

Said envelope is marked for identification Ex. No. 10, of Nov. 20, '89.

27 Q. You did not answer it?

A. No; I did not take any notice of it.

(No cross-examination.)

JOHN S. BARIOS recalled.

By Mr. O'CONNELL:

Q. Did you have any conversation with the defendant as to the number of postmasters that he had sent his circulars to?

A. I did.

Q. When was that?

A. I had 2 or 3 such conversations; the last one a little after the middle of September of the present year.

Q. Did you ask him for a list? Just state what you did. State the conversation.

A. The first conversation that I ever had with Mr. Palliser was to this effect: I asked him if it was true that he had recently mailed large quantities of circular matter through the country post offices. He said it was. I asked him if he would be kind enough to give me a list of those post offices and postmasters with whom he had done business. He said he would do so, and would send me the list within two or three days. I think that conversation was last June. He didn't fulfil his promise. Do you want me to state my reason for asking for that information?

Q. Go on and state.

A. My reason for it was that I had no guide. I didn't know how many post offices had been implicated, and I wanted to feel sure when I completed my investigation that I had not omitted any of them, and I thought if Mr. Palliser would truthfully tell

28 me it would save my travelling about to other post offices which were not involved. That was my only motive at that time. When I had completed my investigation I still felt an uncertainty as to whether I had omitted any offices or not, and I desired, even at that late day, to obtain such a list from Mr. Palliser, if possible, in order to verify what I had done, and in this last conversation I called his attention to his promise, and he told me why

he hadn't been able to give me the information. He had been involved in some lawsuit, and his time had been unusually occupied, but said if I would inform him how many circulars each of the postmasters had mailed and also tell him where there was lying about in the post offices and railroad stations quantities of his circulars yet unmailed that he would give me that list. I told him that I would be glad to do so, to make that exchange with him. He then named a day when he would furnish me with this list, and on the day named or a day or so later I received from Mr. Palliser the two papers which you hold.

Q. This letter and the list which I hold in my hand?

A. Yes, sir.

Said two papers are marked for identification Exs. 11 and 12 of Nov. 20th, 1889.

By Mr. FOSTER:

Q. All these post offices are in Connecticut?

A. All but one post office on that list.

Q. Where is that one?

A. Foster, Ohio.

29 No testimony offered for defense.

Counsel for defendant moves to dismiss the defendant on the ground that he has not been proved guilty of any crime.

Decision reserved.

30 NEW YORK, *Dec'r* 3, 1889.

Present: Mr. O'Connell, ass't U. S. attorney, on behalf of the United States; Mr. Roger Foster, on behalf of the accused, and the accused, Charles Palliser.

The commissioner commits the defendant for trial.

31 EXH. 1. J. A. S., U. S. C.

For ident. No. 1. J. A. S., U. S. C.

Palliser, Palliser & Co., architects, No. 24 East 42d street, bet. Madison and 5th Ave's.

NEW YORK, *Sept.* 19, 1888.

Postmaster, South Coventry, Tolland, Conn.:

DEAR SIR: We desire in each county a place through which we can send out mail matter, as we want to reach every business man, mechanic, and real-estate owner in every county by circular.

If we ship to you from our printing department, located in the country in your State, say, 5,000 or 10,000 circulars in envelopes, and each addressed, will you send out daily 50 to 100 until all are out and render us statement of same with ac. for stamps?

We are doing this at other general store post offices in adjoining counties to yours, and it is perfectly legitimate, and we await your

early reply in addressed and stamped envelope, herewith inclosed, as, if you cannot attend to same, we must send elsewhere.

Yours very truly, PALLISER, PALLISER & CO.

32 EXH'T 2. J. A. S., U. S. C.

For ident. No. 2. J. A. S., U. S. C.

Palliser, Palliser & Co., architects, No. 24 East 42d street, bet. Madison and 5th Aves.

NEW YORK, *Oct.* 3*rd*, 1888.

Mr. F. E. Hull, South Coventry, Conn.

DEAR SIR: Yours of Sept. 21st came duly to hand, and we have instructed our printing department in Connecticut to ship to you, freight prepaid, by N. Y. & N. H. R. R., 3 boxes of circulars in envelopes, all properly addressed, and we trust that the same will reach you safely, and you will please stamp and mail each day 100 until all are sent out, as per ours of 19th Sept.

Yours very truly, PALLISER, PALLISER & CO.

33 EXH. No. 3. J. A. S., U. S. C.

For ident. No. 3. J. A. S., U. S. C.

Palliser, Palliser & Co., architects & publishers, No. 24 East 42d street, bet. Madison and 5th Aves. Established 1877.

NEW YORK, *Oct.* 23, 1888.

Postmaster, East Hartland, Conn.

DEAR SIR: We desire in each county a place through which to send out mail matter, as we want to reach every business man, mechanic, and real-estate owner in every State by circular.

If we ship to you from our printing department, located in the country in your State, say, 5,000 or 10,000 circulars in envelopes, and each addressed, will you give the same your careful attention, sending out daily 50 to 100 during the coming months until they are all out, and then render us statement of same with ac. for stamps used, and we will remit.

We are doing this at other general store post offices in adjoining counties to yours, and it is perfectly legitimate, and we await your reply in addressed and stamped envelope, enclosed herewith, as, if you cannot attend to same, we must at once send elsewhere.

Yours very truly, PALLISER, PALLISER & CO.

34 Palliser, Palliser & Co., architects and publishers of books on building, No. 24 East 42nd street, nearly opposite the Grand Central depot, between Madison and Fifth avenues. Branch offices established in all the leading cities.

NEW YORK, *December 18th*, 1888.

Mr. W. E. Olmsted, East Hartland, Conn.

DEAR SIR: Yours 17th to hand, & we can send you 10,000 circulars in about a week's time, & you had better get a supply of 1c. stamps at once, so as to be ready for them.

Yours truly, PALLISER, PALLISER & CO.

(Printed matter on margin.)

Prepare designs, drawings, and specifications for every description of public and private buildings to be erected in any part of the world. Distance is no obstacle, as upwards of two thousand of our clients and building committees residing in every State and Territory in the U. S., the Canadas, and Brazil can testify.

We also give special attention to the remodeling of existing structures and the designing of furniture, interior decorations, and monuments.

35 Consultations on all matters pertaining to buildings, drainage, sanitary works, ventilation, machinery, valuations, etc., etc.

Special services in the designing of public works, as churches, schools, court-houses, State, county, and city buildings; can refer to many such erected all over the U. S. and Canadas, several by the Brazilian Government.

Thousands of houses have been built from Palliser, Palliser & Co.'s popular books of cottage plans, details, and specifications. In fact, there is not a city, town, or village of consequence in the country but what contains from two to twenty buildings so erected.

Palliser, Palliser & Co. have been successful in many important competitions for every description of public buildings in which they were invited to take part, both in this country and Canada. Among the most recent may be mentioned the Escambia county court-house, at Pensacola, Florida, being limited and paid, and the great school-house competition, open to the whole country and instituted by the board of education of Cleveland, Ohio, with a view to providing healthier and more convenient school-houses for their progressive and beautiful city, a premium of $500 being offered in addition to the work of making full plans, details, and specifications at regular architect's charges. 24 architects competed under motto, the palm being carried off by Palliser, Palliser & Co.

Their success in business may be attributed to the fact that they are thoroughly trained and practical architects and design the finest buildings and have them erected at the least cost, scrupu-
36 lously saving every possible dollar.

Another triumph: Elizabeth, N. J., advertised, offering a prize, $150, for best school plan for building to accommodate 600

pupils, to cost $20,000. Seventeen architects submitted sketches, and the Messrs. Palliser were instructed to prepare working plans and superintend the work throughout, based on per cent. of cost in addition to receiving the prize offered.

The erection of St. Augustine convent and schools, located at Bridgeport, Conn., and dedicated Dec. 22, 1884, by Bishop McMahon, was commenced October, 1873, and has occupied 11 years in construction. It is said that as a building it is probably unsurpassed in the matter of comfort, elegance, convenience, durability, and sanitary improvements. Its foundations are on solid rock; it is built of granite, and will stand for ages as a monument to the practical ability of the architects, Palliser, Palliser & Co., who superintended all its details of execution, and whose designs and services were selected for the work after a competition in which five invited architects took part.

Palliser, Palliser & Co. to the front again.

There is probably no architect or firm of architects in this country who have taken part successfully in so large a number of architectural competitions as Palliser, Palliser & Co., of this city,
37 whose latest success has been achieved in British Columbia in presenting the best design for prison buildings to be erected by that government, and thus securing the first prize of $500 over all local and foreign competitors. They also recently won the great court-house competition for Knox county, Tennessee, competing with all the leading Southern architects.—Daily Paper.

Palliser, Palliser & Co. are well-known European architects, who came to this country some few years ago, and were the first to introduce this modern taste into our domestic architecture, striking at everything in the shape of ugliness and putting forth instead sound and economical construction, combined with good taste in design. They are gentlemen who have had a thorough practical training, are able mechanics and constructors, and their artistic ability is seen in everything that comes from their hands; in fact, there is nothing that can compare with it. They have earned a national reputation.—American Builder.

Their beautiful designs mark them as public benefactors, for any man is such who adds to the comfort and beauty of the homes of the nation.—Chicago Inter-Ocean.

In their work they combine consummate art with economy and agreement of estimate with cost.—The South.

These gentlemen are evidently thoroughly practical and accomplished architects, with the comparatively rare gift of common sense.—Iron Age.

38 Their designs, even for the cheapest dwellings, are tasteful, picturesque, and elegant.—Scientific American.

Standard Works on Architecture.

Palliser's New Cottage Homes, the finest, largest, and most complete work ever issued on designs, plans, details, specifications, etc. ---------- $4 00
Palliser's Model Homes, 28 6 x 9 plates, 100 pages ---------- $1 00
Palliser's Am. Cottage Homes, 1878 ---------- $3 00
Palliser's Useful Details, 40 plates 20 x 36, working drawings, modern architectural detail ---------- $2 00
Palliser's Building Specifications for brick or frame buildings costing $10,000 and upward, 50 cents each, per doz. ---------- $4 00
Palliser's Building Specifications for brick or frame buildings costing $4,500 to $10,000, 35 cts. each, per doz. ---------- $3 00
Palliser's Building Specifications for buildings of moderate cost, $500 to $4,500, 25 cts. each, per doz. ---------- $2 00
Palliser's Building Contracts, with bond, 5 cts. each, per doz. 40

Several important works in preparation.

We can furnish any book or periodical on architecture, building, and mechanics published in this or any other country. Full list free to any address on application.

For identification No. 4. J. A. S., U. S. Com.

EXHIBIT No 4. J. A. S., U. S. Com.

39 (Printed matter on front of envelope.)

Prepare Designs, Drawings, and Specifications.

For every description of public and private buildings to be erected in any part of the world. Distance is no obstacle, as upwards of two thousand of our clients and building committees residing in every State and Territory of the United States and the Canadas, and Brazil can testify. We also give special attention to the remodeling of existing structures, and the designing of furniture, interior decorations, and monuments.

Consultations and expert testimony on all matters pertaining to building, drainage, sanitary works, ventilation, machinery, valuation, etc., etc.

Special services in the designing of public works, as churches, schools, court-houses, State, county, and city buildings. Can refer to many such erected all over the U. S. and Canadas. Several by the Brazilian government.

Thousands of people all over the world have built from Palliser, Palliser & Co.'s popular books of plans, details, and specifications the past ten years. In fact there is not a city, town, or village of consequence anywhere but what contain from two to twenty buildings so erected.

Palliser, Palliser & Co., Architects and Publishers of Books on Buildings, No. 24 East 42nd street; nearly opposite the Grand Central depot, between Madison & 5th Aves., New York.

Please send reply in this envelope.

40 For identification, 10. J. A. S., U. S. com.

(Printed matter on back of envelope.)

Palliser, Palliser & Co. have been successful in many important competitions for every description of public buildings in which they were invited to take part, both in this country and Canada. Among the most recent may be mentioned the Escambia county court-house at Pensacola, Florida, being limited and paid, and the great school-house competition, open to the whole country, and instituted by the board of education of Cleveland, Ohio, with a view to providing healthier and more convenient school-houses for their progressive and beautiful city, a premium of $500 being offered, in addition to the work of making full plans, details, and specifications at regular architects' charges. 24 architects competed under motto, the palm being carried off by Palliser, Palliser & Co.

Later Palliser, Palliser & Co. have had another triumph. Elizabeth, N. J., advertised, offering a prize of $150 for best school plan for building to accommodate 600 pupils, to cost $20,000. Seventeen architects submitted sketches, and the Messrs. Palliser were instructed to prepare working plans and superintend the work throughout, based on per cent. of cost, in addition to receiving the prize offered.

41 Their success in business may be attributed to the fact that they are thoroughly trained and practical architects, and design the finest buildings, which are so studied as to be erected at the least cost, scrupulously saving every possible dollar.

Palliser, Palliser & Co. are well-known European architects, who came to this country some few years ago and were the first to introduce this modern taste into our domestic architecture, striking at everything in the shape of ugliness and putting forth instead sound and economical construction, combined with good taste in design. They are gentlemen who have had a thorough practical training, are able mechanics and constructors, and their artistic ability is seen in everything that comes from their hands. In fact, there is nothing that can compare with it. They have earned a national reputation.—American Builder.

"Their beautiful designs mark them as public benefactors, for any man is such who adds to the comfort and beauty of the homes of the nation."—Chicago Inter-Ocean.

"In their work they combine consummate art with economy and agreement of estimate with cost."—The South.

"These gentlemen are evidently thoroughly practical and accomplished architects, with the comparatively rare gift of common sense."—Iron Age.

"Their designs, even for the cheapest dwellings, are tasteful, picturesque, and elegant."—Scientific American.

42 EXH. No. 5. J. A. S., U. S. C.

For ident. No. 5. J. A. S., U. S. C.

Letter —.
No. —.
Volume —.

In any further correspondence on this subject quote the above letter, number, and volume.

POST OFFICE DEPARTMENT,
OFFICE OF THIRD ASSISTANT POSTMASTER GENERAL,
WASHINGTON, D. C., *Dec.* 24, 1888.

W. E. Olmstead, P. M., East Hartland, Conn.

SIR: Your order for 10,000 1c. stamps of Dec. 20th, accompanied by letter from Palliser, Palliser & Co., of New York, is received. In reply I would state that while it is your duty to promptly forward all matter received at your office properly addressed and stamped, it is a violation of the law and regulations for you to receive unstamped matter, affixing the stamps yourself and giving credit for said stamps, as seems to be the desire of Palliser, Palliser & Co.

Your request is therefore refused and the requisition, with accompanying papers, is herewith returned.

Very respectfully, MADISON DAVIS,
Acting Third Ass't P. M. General.

43 EXH. No. 6. J. A. S., U. S. C.

For ident. 6. J. A. S., U. S. C.

Palliser, Palliser & Co., Architects & Publishers, No. 24 East 42d street, bet. Madison and 5th Aves. Established 1877.

NEW YORK, *Oct.* 23, 1888.

Postmaster, Black Hall, Conn.

DEAR SIR: We desire in each county a place through which to send our mail matter, as we want to reach every business man, mechanic, and real-estate owner in every State by circular.

If we ship to you from our printing department, located in the country in your State, say 5,000 or 10,000 circulars in envelopes, and each addressed, will you give the same your careful attention, sending out daily 50 to 100 during the coming months until they are all out, and then render us statement of same, with ac. for stamps used, and we will remit.

We are doing this at other general store post offices in adjoining counties to yours and it is perfectly legitimate, and we await your

reply in addressed and stamped envelope enclosed herewith, as, if you cannot attend to same, we must at once send elsewhere.

Yours very truly, PALLISER, PALLISER & CO.

44 For ident'f. No. 7. J. A. S., U. S. C.

De Wolf & Swaney, Dealer in Fine Groceries, General Merchandise, etc.

BLACK HALL, CONN., 11, 26, 1888.

Palliser, Palliser & Co., 24 E. 42nd St., New York.

GENTS: Have received a case of circulars from you, which I did not order, as cannot handle them. They are here subject to your order. Take notice of Sec. 515 of postal laws and regulations, 1887.

Yours, &c., W. R. DE WOLF, *P. M.*

45 EXH. No. 8. J. A. S., U. S. C.

For ide't'fi. No. 8. J. A. S., U. S. C.

Palliser, Palliser & Co., Architects & Publishers, No. 24 East 42d street, bet. Madison and 5th Aves. Chamber 5. Established 1877.

NEW YORK, *Oct.* 23, 1888.

Office of the Auditor of the Treasury, Oct. 25, 1888. For P. O. Dep't.

Postmaster, Marion, Conn.

DEAR SIR: We desire in each county a place through which to send out mail matter, as we want to reach every business man, mechanic, and real estate owner in every State by circular.

If we ship to you from our printing department, located in the country in your State, say 5,000 or 10,000 circulars in envelopes and each addressed, will you give the same your careful attention, sending out daily 50 to 100 during the coming months until they are all out, and then render us statement of same, with ac. for stamps used, and we will remit.

We are doing this at other general store post offices in adjoining counties to yours, and it is perfectly legitimate, and we await your reply in addressed and stamped envelope enclosed herewith, as, if you cannot attend to same, we must at once send elsewhere.

Yours very truly, PALLISER, PALLISER & CO.

46 EXHIBIT No. 9. J. A. S., U. S. C.

For ident. No. 9. J. A. S., U. S. C.

Palliser, Palliser & Co., Architects & Publishers, No. 24 East 42d street, bet. Madison and 5th Aves. Established 1877.

NEW YORK, *Oct.* 23, 1888.

Postmaster, Norfolk, Conn.

DEAR SIR: We desire in each county a place through which to send out mail matter, as we want to reach every business man, mechanic, and real estate owner in every State by circular.

If we ship to you from our printing department located in the country in your State, say 5,000 or 10,000 circulars in envelopes and each addressed, will you give the same your careful attention, sending out daily 50 to 100 during the coming months until they are all out and then render us a statement of same with ac. for stamps used, and we will remit.

We are doing this at other general store post offices in adjoining counties to yours, and it is perfectly legitimate, and we await your reply in addressed and stamped envelope enclosed herewith, as, if you cannot attend to same, we must at once send elsewhere.

Yours very truly, PALLISER, PALLISER & CO.

47 Ex. 11. J. A. S., U. S. C.

Palliser, Palliser & Co., Architects, No. 24 East 42d St., bet. Madison and 5th Aves. Established 1877.

NEW YORK, *Sept.* 26, 1889.

Mr. J. H. Barios.

DEAR SIR: Enclosed please find full list of Conn. P. O.'s you asked for, and in return please send us particulars promised as to numbers of circulars mailed by each office and the location of the many thousands that are lying loose in Conn. still and oblige—

Yours very truly, PALLISER, PALLISER & CO.

48 Ex. 12. J. A. S., U. S. C.

Abington.
Andover. Reshipped to East Hartland.
Baltic. C'k, Dec. 8, '88, for $10.25.
Bethany.
Black Hall. Returned.
Bull's Bridge. Reshipped to Kent.
Chesterfield.
Chestnut Hill.
Clinton.
Columbia.

Cromwell.
East Hartford.
East Hartland.
East Morris. Reshipped to Melrose.
East Willington.
Ekonk.
Ellington. Returned.
Ellsworth.
Gardner's Lake.
Georgetown. Reshipped to Redding.
Grove Beach.
Hawleyville.
Hockanum.
Kent.
Kent Furnace.
Liberty Hill.
Mashapang.
Melrose.
49 Moosup.
Newington.
Newton.
Norfolk. Reshipped to Roverton.
North Bloomfield.
Norwich Town.
Oxford.
Pleasant Valley.
Pomfret.
Poquonock.
Redding.
Ridgefield.
Riverton. Mailed by F. N. Brooker.
Romford.
Rowayton.
Saybrook.
Silver Mine. Reshipped to Titicus.
Somers.
South Coventry.
Southford.
South Killingly.
Sterling.
Titicus.
Trumbull.
West Cornwall.
Westford.
West Redding.
Westville. Reshipped to Winthrop.
50 West Willington.
Windsorville.
Winthrop.
Woodstock Valley. Reshipped to Foster.

Yantic. Reshipped to East Willington.

No circulars were mailed for us from Westhampton, L. I.

51 Circuit Court of the United States for the Southern District of New York.

In the Matter of the Petition of CHARLES PALLISER for the Writ of *Habeas Corpus*.

To the honorable the circuit court of the United States:

The petitioner, Charles Palliser, respectfully shows to this honorable court:

I.

Your petitioner is a citizen of the United Kingdom of Great Britain and Ireland, and resides and is engaged in business in the city, county, and State of New York.

II.

Your petitioner is deprived of his liberty by the Honorable Martin T. MacMahon, marshal of the United States for the southern district of New York, and he is thus held in custody by the said marshal by color of the authority of the United States, contrary to the Constitution and laws of the United States.

On or about September 27th, 1889, a complaint, of which the within is a copy, was presented — petitioner to the Honorable John A. Shields, United States commissioner for this district:

52 UNITED STATES OF AMERICA, *Southern District of New York*, } ss:

John H. Bario, being duly sworn, deposes and says that he is an inspector of the Post Office Department; that on October 23rd, 1888, Charles Palliser, of the city and State of New York, then and there doing business under the name and style of Palliser, Palliser and Co., at Old Lyme, in the county of New London, in the State and district of Connecticut, with force and arms unlawfully and wilfully did tender to one W. R. De Wolfe, who then and there was and thereafter continued to be until the 4th day of March, 1889, a postmaster of the United States at a certain post office known as Black Hall, in said county of New London, a certain contract in the words and figures following:

"NEW YORK, *October* 23, 1888.

Postmaster Black Hall, Conn.

DEAR SIR: We desire in each county a place through which to send out mail matter, as we want to reach every business man, mechanic, and real-estate man in every State by circular.

If we ship to you from our printing department located in the country in your State, say, 5,000 to 10,000 circulars in envelopes,

and each addressed, will you give the same your careful attention, sending out daily 50 to 100 during the coming months until they are all out, and then render us statement of same, with ac-
53 count for stamps used, and we will remit?

We are doing this in other general store post offices in adjoining counties to yours, and it is perfectly legitimate, and we await your reply in addressed and stamped envelope enclosed herewith, as, if you cannot attend to same, we must at once send elsewhere.

Yours very truly,

PALLISER, PALLISER AND CO."

with the intent of him, the said Palliser, to induce him, the said De Wolf, as such postmaster—that is to say, to sell him, the said Palliser, postage stamps of the United States otherwise than for cash, to wit, upon the credit of said Palliser, against the peace of the United States and contrary to the statutes thereof in such case made and provided. Deponent further says that said Charles Palliser is now within the southern district of New York.

JOHN H. BARIO.

Subscribed and sworn to before me this 27th day of Sept., 1889.

JOHN A. SHIELDS,
U. S. Commissioner.

(Endorsed:) U. S. *vs.* Palliser. Aff't. Filed Sept. 27th, 1889.

54 Upon said complaint the said United States commissioner has committed your petitioner to the custody of said marshal, and has issued a commitment and warrant to the said marshal to hold your petitioner in custody. Evidence has been taken before the said commissioner in support of the said charges in the complaint aforesaid, but no offence against the United States has been proven against your petitioner before the said commissioner, and your petitioner is innocent and not guilty of any offence against the United States.

Wherefore your petitioner prays that your honorable court will order a writ of *habeas corpus* to issue out from this court to the said Martin T. MacMahon, marshal as aforesaid, requiring him to produce the body of your petitioner before this court, at some time to be designated in the said writ, then and there to abide what shall be wanted by this court in the premises, and, in the meantime, your petitioner prays that he may be committed to the custody of his counsel, Roger Foster, Esq., an attorney of this court; and at the same time your petitioner prays that your honorable court will direct a writ of certiorari to issue from this court to the said Honorable John A. Shields, commissioner as aforesaid, ordering and requiring the said John A. Shields, commissioner as aforesaid, forthwith to certify to this court true copies of the proceedings, complaints, hearings, trials, affidavits, judgments, orders, and commitments
55 which have been had, found, tried, and passed by said United States commissioner in the premises against your petitioner

and under which he is now deprived of his liberty by the said United States commissioner; and, as in duty bound, your petitioner will ever pray, &c.

ROGER FOSTER,
Attorney for Petitioner, 206 & 208 *Broadway, New York, N. Y.*

CITY AND COUNTY OF NEW YORK, *ss:*

Charles Palliser, being duly sworn, says: I am the petitioner before named, and each and every allegation in the foregoing petition is true. No previous application for either a writ of certiorari or *habeas corpus* herein has been made.

CHARLES PALLISER.

Sworn to before me this 26th day of November, 1889.
EDSON C. MARSHALL,
[SEAL.] *Notary Public, N. Y. Co.*

56 At a stated term of the circuit court of the United States for the southern district of New York, held in the post-office building in the city, county, and State of New York on the — day of November, 1889.

Present: Hon. E. Henry Lacombe, circuit judge.

In the Matter of the Petition of CHARLES PALLISER for the Writ of *Habeas Corpus.*

Upon reading and filing the foregoing petition hereto annexed and upon motion of Roger Foster, attorney for the petitioner, it is ordered that the writs of *habeas corpus* and certiorari issue to the Honorable T. MacMahon, marshal of the United States, and Honorable John A. Shields, United States commissioner, respectively, as prayed for in the said petition, the said writs to be returned, with the return of the said marshal and of the said United States commissioner thereto, on Friday, the 29th day of November, 1889, at 11 o'clock on the morning of that day, or as soon thereafter as counsel can be heard, at the post-office building in the city and county and State of New York, at a stated term of this court then and there to be held.

57 (Endorsed:) Circuit court of the United States for the southern district of New York. In the matter of the petition of Charles Palliser for the writ of *habeas corpus.* Petition. Roger Foster, attorney for petitioner, Evening Post building, 206 & 208 Broadway, New York. U. S. circuit court. Filed Nov. 26, 1889. John A. Shields, clerk.

58 The President of the United States to Hon. Martin T. McMahon, marshal of the United States for the southern district of New York, and Hon. John A. Shields, United States commissioner, Greeting:

[SEAL.]

Hab. Corpus to Bring up Person.

We command you that you have the body of Charles Palliser, by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name said Palliser shall be called or charged, before a stated term of the circuit court of the United States for the southern district of New York, to be held in the post-office building in the city, county, and State of New York, at 3 p. m., November 26th, 1889, to do and receive what shall then and there be considered concerning said Palliser; and have you then — there this writ.

Witness Hon. Melville W. Fuller, Chief Justice of the United States, on the 26th day of November, one thousand eight hundred and eighty-nine.

JOHN A. SHIELDS, *Clerk.*

ROGER FOSTER,
Petitioner's Attorney, 206 and 208 Broadway, New York.

59 In obedience to the within writ I herewith produce the body of the within-named Charles Palliser.

M. T. McMAHON,
U. S. Marshal, S. D. N. Y.,
By GEO. H. HOLMES, *Deputy.*

Dated New York, Nov. 26th, 1889.

Held to bail, $1,500.

E. H. LACOMBE.

Defendant discharged on bail to await decision of Judge Lacombe.

JOHN A. SHIELDS,
U. S. Commissioner.

Nov. 26th, 1889.

(Endorsed:) United States circuit court, southern district of New York. Matter of Charles Palliser—writ of *habeas corpus.* Roger Foster, petitioner's attorney, 206 and 208 Broadway, New York. Allowed Nov. 26. E. H. Lacombe, U. S. marshal's office. Received Nov. 26, 1889.

60 The President of the United States of America to the marshal of the United States for the southern district of New York and to his deputies or any or either of them:

Whereas complaint on oath hath been made to me, charging that Charles Palliser did, on or about the 23d day of October, in the year one thousand eight hundred and eighty-eight, at Old Lyme, in the

county of New London, in the State and district of Connecticut, with force and arms unlawfully and wilfully did tender to one W. R. De Wolfe, who then and there was and thereafter continued to be until the 4th day of March, 1889, a postmaster of the United States at a certain post office known as Black Hall, in said county of New London, a certain contract in the words and figures following:

"NEW YORK, *October 23rd*, 1888.

Postmaster Black Hall, Conn.

DEAR SIR: We desire in each county a place through which to send out mail matter, as we want to reach every business man, mechanic, and real-estate man in every State by circular. If we ship to you from our printing department located in the country in your State, say, 5,000 or 10,000 circulars in envelopes and each addressed will you give the same your careful attention, sending out daily 50 to 100 during the coming months until they are all out, and then render us statement of same with account for stamps used, and we will remit. We are doing this at other general store post offices in adjoining counties to yours, and it is perfectly legitimate,
61 and we await your reply in addressed and stamped envelope enclosed herewith, as, if you cannot attend to same, we must at once send elsewhere.

Yours very truly, PALLISER, PALLISER & CO."

with the intent of him, the said Palliser, to induce him, the said De Wolfe, as such postmaster, to do certain acts in violation of his lawful duty as such postmaster—that is to say, to sell him, the said Palliser, postage stamps of the United States otherwise than for cash, to wit, upon the credit of said Palliser, contrary to the statutes of the United States; and

Whereas it has been satisfactorily proven to me that said Charles Palliser is now within the southern district of New York:

Now, therefore, you are hereby commanded, in the name of the President of the United States of America, to apprehend the said Charles Palliser and bring his body forthwith before me or some judge or justice of the United States, wherever in the State of New York he may be found, that he may then and there be dealt with according to law for the said offence.

Given under my hand and seal this 27th day of September, in the year of our Lord one thousand eight hundred and eighty-nine.

[SEAL.] JOHN A. SHIELDS,
United States Commissioner for the Southern District of New York.

EDWARD MITCHELL,
United States Attorney.

62 The within-named prisoner being arrested and brought before me on the within warrant and the within charge being explained and the said accused demanding an examination respecting said charge, I hereby commit him to the custody of the U. S.

marshal, to be brought before me on the 2d day of October, 1889, at 11 o'clock a. m., for such examination in default of $1,000 bail.

New York, Sept. 28th, 1889.

JOHN A. SHIELDS,
U. S. Commissioner.

To M. T. McMahon, Esq., U. S. marshal.

Defendant discharged on his own recognizance for examination before me Oct. 2d, 1889, at 11 o'clock, as by consent of U. S. attorney.

Sept. 28th, 1889.

JOHN A. SHIELDS,
U. S. Commissioner.

Defendant discharged on bail to await examination before me. Oct. 3, 1889.

JOHN A. SHIELDS, *U. S. C.*

U. S. MARSHAL'S OFFICE, S. D. N. Y.

Received Sep. 27, 1889.

63 The within-named defendant, Charles Palliser, having been surrendered by his bail this day, the said Charles Palliser is hereby committed to the custody of the U. S. marshal for the southern district of New York on the within warrant, to be brought before me on Nov. 27th, 1889, at 2 o'clock p. m., for my decision in this case, in default of $1,000 bail.

New York, Nov. 26th, 1889.

JOHN A. SHIELDS,
U. S. Commissioner, S. D. of N. Y.

To M. T. McMahon, Esq., U. S. marshal, S. D. of N. Y.

(Endorsed:) 840. U. S. circuit court. The United States of America *vs.* Chas. Palliser. Warrant to apprehend. Edward Mitchell, United States attorney. In obedience to the within writ I arrested the within-named Charles Palliser and took him before U. S. Commissioner John A. Shields. Geo. H. Holmes, dep'y U. S. marshal. Dated New York, Sept. 28th, 1889.

64 The accused, Charles Palliser, named in the annexed warrant, having been arrested and brought before me on said warrant, and the charge therein named having been explained to him, and he demanding an examination on the charge therein contained, and a full and fair examination having been had before me touching the charge in said warrant named, and it appearing to me from the testimony offered that there is probable cause to believe the said Charles Palliser guilty of the offence charged in said warrant, the said Charles Palliser is hereby committed for trial at the district of Connecticut, the district in which the offence is alleged to have been committed, and he is hereby remanded to the custody of the U. S. marshal for the southern district of New York until the

warrant for his removal shall issue by the U. S. district judge for the southern district of New York or he be otherwise dealt with according to law.

New York, December 3d, 1889.

JOHN A. SHIELDS,
[SEAL.] *U. S. Commissioner for the Southern District of New York.*

65 Before Lacombe, circuit judge.

In the Matter of the *Habeas Corpus* of CHARLES PALLISER, Charged with an Offence in the District of Connecticut.

Southern District of New York.

LACOMBE, *Circuit Judge:*

The point raised here by the defendant is a sharp one. If this were a civil cause where legislative intent would be largely determinative of doubtful phrases it would probably be held that this objection is not well taken. Whether or not the same decision would be reached in a criminal case is another question, which, unless good grounds to the contrary are shown, should be determined in proceedings conducted according to the regular and orderly practice in Federal courts, whereby there is, in the first instance, a decision upon the law by the district court, and, if desired, a review of such decision by the circuit court, which may in a proper case be constituted with two judges, and if they differ in opinion they may certify any question of difference to the Supreme Court.

The petitioner's counsel asks to have the questions raised by him decided upon this application for the reason that, as he in-
66 sists, should the decision be adverse to him he would be able to prosecute an appeal to the Supreme Court, a tribunal which he assumes he can reach in no other way. He is in error as to the practice. The appeal in *habeas corpus* cases, which since the act of March 3rd, 1885, may be taken to the Supreme Court, covers appeals only from final decisions of such "circuit court." (Wales *v.* Whitney, 114 U. S., 565.) It does not cover appeals in *habeas corpus* where the writ is returnable before a circuit judge. (Carpenter *v.* Fitzgerald, 121 U. S., 87). The present proceeding is before the circuit judge, not before the circuit court, which, in this district, has regularly assigned terms for the transaction of criminal business and a judge especially designated to hold them. Let the writ be dismissed.

E. HENRY LACOMBE.

(Endorsed:) In the matter of the *habeas corpus* of Charles Palliser, charged with an offence in the district of Connecticut. Before Lacombe, circuit judge. Opinion. U. S. circuit court. Filed Dec. 3, 1889. John A. Shields, clerk.

67 At a stated term of the circuit court of the United States for the southern district of New York, held in the post-office building in the city, county, and State of New York, on December 3d, 1889.

Present: Hon. E. Henry Lacombe, circuit judge.

In the Matter of the Petition of CHARLES PALLISER for the Writ of *Habeas Corpus*.

Upon reading and filing the petition of Charles Palliser sworn to November 26th, 1889, and the writs *habeas corpus* and *certiorari* thereupon issued, directed to the Hon. Martin T. McMahon, marshal of the United States for the southern district of New York, and the Hon. John A. Shields, United States commissioner, and returns to said writs made by said marshal and said commissioner:

Now, after hearing Roger Foster, Esq., of counsel for Charles Palliser, in support of an application for the discharge of said Palliser from custody, said Palliser having been produced before this court by said marshal in obedience to said writ of *habeas corpus*; and after hearing Daniel O'Connell, Esq., assistant U. S. attorney, in opposition to said application and in support of an application
68 to remand said Palliser to custody, and due deliberation having been had, it is—

Ordered that said writ be dismissed, and that the said Charles Palliser be, and he hereby is, remanded to the custody of the said Martin T. McMahon, marshal of the United States for the southern district of New York.

E. HENRY LACOMBE.

(Endorsed:) U. S. circuit court, so. district of New York. In the matter of the petition of Charles Palliser for the writ of *habeas corpus*. Order to remand. Roger Foster, pet'r's attorney, Evening Post building, 206 & 208 Broadway, New York. U. S. circuit court. Filed & ent. Dec. 3, 1889. John A. Shields, clerk.

69 Circuit Court of the United States for the Southern District of New York.

In the Matter of the Petition of CHARLES PALLISER for the Writ of *Habeas Corpus*.

The above-named petitioner, Charles Palliser, conceiving himself aggrieved by the order entered on December 3d, 1889, in the above-entitled proceeding, doth hereby appeal from said order to the Supreme Court of the United States, and he prays that this his appeal may be allowed, and that a transcript of the record and proceedings and papers upon which said order was made, duly authenticated, may be sent to the Supreme Court of the United States.

New York, December 3d, 1889.

ROGER FOSTER,
Attorney for Petitioner and Appellant, Charles Palliser,
206 & 208 *Broadway, New York.*

70 And now, to wit, on December 3d, 1889, it is ordered that the appeal be allowed as prayed for.

E. HENRY LACOMBE.

(Endorsed:) U. S. circuit court, S. D. N. Y. Matter of Charles Palliser. Appeal. Roger Foster, appellant's attorney, 206 & 208 Broadway, New York. U. S. circuit court. Filed Dec. 3, 1889. John A. Shields, clerk.

71 *Affidavit of Service.*

United States Circuit Court, Southern District of New York.

In the Matter of CHARLES PALLISER.

STATE OF NEW YORK, }
City and County of New York, } ss:

Thomas M. Rowlett, of the city and county of New York, being duly sworn, says that he is above the age of twenty-one years, and that on the tenth day of December, in the year one thousand eight hundred and eighty-nine, he served the annexed appeal and notice of filing of the same on Edward Mitchell, the United States district attorney for the southern district of New York, and on Martin T. McMahon, the United States marshal for the southern district of New York, and that on the eleventh day of December, in the year one thousand eight hundred and eighty-nine, he served the same upon John A. Shields, the United States commissioner for the southern district of New York, by delivering a copy of the
72 same to each of them personally, and leaving the same with them and each of them at their respective offices, in the post-office building and in the Times building, in the city, county, and State of New York.

THOMAS M. ROWLETTE.

Sworn to before me this 13th day of December, 1889.

[SEAL.] SYLVANUS BROWN,
Notary Public.

(Endorsed:) United States circuit court for the southern district of New York. In the matter of Charles Palliser. Affidavit of service. Roger Foster, appellant's attorney, Evening Post building, 206 & 208 Broadway, New York. U. S. circuit court. Filed Dec. 13, 1889. John A. Shields, clerk.

73 At a stated term of the circuit court of the United States, held in the post-office building, in the city, county, and State of New York, on the ninth day of December, 1889.

Present: Hon. E. Henry Lacombe, circuit judge.

In the Matter of the Petition of CHARLES PALLISER for the Writ of *Habeas Corpus.*

Upon all the proceedings herein, in accordance with section 765 of the Revised Statutes of the United States, it is—

Ordered, That a transcript of the petition, writ of *habeas corpus*, return thereto, and other proceedings herein be sent up to the Supreme Court of the United States by the clerk of this court on or before the third Friday of January, 1890, and that said day be and the same hereby is made the return day of the appeal allowed herein.

E. HENRY LACOMBE.

(Endorsed:) U. S. circuit court, southern district of New York. In the matter of the petition of Charles Palliser for the writ of *habeas corpus*. Order regulating sending up of transcript of proceedings. Roger Foster, appellant's attorney, Evening Post
74 building, 206 & 208 Broadway, New York. U. S. circuit court. Filed Dec. 9, 1889. John A. Shields, clerk.

75 The Supreme Court of the United States.

In the Matter of the Petition of CHARLES PALLISER.

Assignment of Errors.

Afterwards, to wit, on the third Friday of January, in the year of our Lord eighteen hundred and ninety, at the October term for eighteen hundred and eighty-nine of the Supreme Court of the United States, at the Capitol, in the city of Washington and District of Columbia, comes the said Charles Palliser, by Roger Foster, his attorney, and says that in the record and proceedings in the above-entitled matter there is manifest error, in this, to wit:

I. That the matters charged in the complaint against Charles Palliser do not constitute a crime by the common law or under any statute of the United States.

II. That *in* the matters, testimony tending to prove which
76 was given before John A. Shields, United States commissioner, in the above-entitled matter, there do not constitute a crime by the common law or under any statute of the United States.

III. That the matters charged as a crime against Charles Palliser, as appears by the testimony before John A. Shields, United States commissioner, occur-ed and were committed, if they ever occurred or were committed, within the southern district of New York and not within the district of Connecticut, and that by the sixth amendment to the Constitution of the United States said Palliser cannot be tried upon said charges in the district court of the United States for the district of Connecticut.

IV. That the said commissioner had no jurisdiction to issue a warrant for the arrest of Charles Palliser.

V. That the marshal of the United States had no authority to arrest or detain Charles Palliser.

77 VI. That the circuit court of the United States for the southern district of New York erred in not discharging the said Charles Palliser upon the return of the writ of *habeas corpus* herein.

Wherefore the said Charles Palliser prays that the order of the said circuit court of the United States for the southern district of New York be reversed, and the said circuit court of the United States for the southern district of New York be ordered to enter an order directing the discharge of the said Charles Palliser from custody.

ROGER FOSTER,
Attorney for Appellant, 206 & 208 *Broadway, New York.*

(Endorsed:) The Supreme Court of the United States. In the matter of the petition of Charles Palliser, appellant. Assignment of errors. Roger Foster, att'y for Charles Palliser, attorney,
78 Evening Post building, 206 & 208 Broadway, New York. U. S. circuit court. Filed Dec. 31, 1889. John A. Shields, clerk.

79 *Bond for Damages and Costs.*

Circuit Court of the United States of America for the Southern District of New York, in the Second Circuit.

In the Matter of the Petition of CHARLES PALLISER.

Know all men by these presents that we, George Palliser and Charles Palliser, are held and firmly bound to the United States of America and to John A. Shields, individually and as United States commissioner, and to Martin T. McMahon, individually and as marshal of the United States for the southern district of New York, in the sum of two hundred and fifty dollars, to be paid to the said parties; for the payment of which, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the fourth day of December, in the year of our Lord one thousand eight hundred and eighty-nine.

Whereas the above-named Charles Palliser has prosecuted an appeal to the Supreme Court of the United States to reverse the order rendered in the above-entitled suit by the judge of the circuit court of the United States for the southern district of New York, and by said court entered December 3, 1889:

Now, therefore, the condition of this obligation is such that if the above-named Charles Palliser shall prosecute said appeal to effect and answer all damages and costs if he fail to make his plea good, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

CHARLES PALLISER. [SEAL.]
GEORGE PALLISER. [SEAL.]

Sealed and delivered and taken and acknowledged this fourth day of December, 1889, before me—

JOHN A. SHIELDS,
U. S. Comm'r, S. D. of N. Y.

80 UNITED STATES OF AMERICA. }
Southern District of New York, } ss:

George Palliser of 132 Park avenue, New York city, being duly sworn, doth depose and say that he is worth the sum of five hundred ($500.00) dollars over and above all his just debts and liabilities.

GEORGE PALLISER.

Sworn to this 3d day of Dec., A. D. 1889, before me.

JOHN A. SHIELDS,
U. S. Commissioner, S. D. of N. Y.

[Endorsed:] U. S. circuit court, southern district of New York. In the matter of the petition of Charles Palliser. Bond for costs on —. Approved Dec. 4th, 1889. E. Henry Lacombe. U. S. circuit court. Filed Dec. 4, 1889. John A. Shields, clerk.

81 UNITED STATES OF AMERICA, ss:

To the United States of America and John A. Shields, individually and as United States commissioner, and Martin T. McMahon, individually and as marshal of the United States for the southern district of New York, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington on the third Friday of January, eighteen hundred and ninety, pursuant to an appeal taken, allowed, and filed in the clerk's office of the circuit court of the United States for the southern district of New York, wherein Charles Palliser is appellant and The United States of America and John A. Shields, as aforesaid, and Martin T. McMahon, as aforesaid, are respondents, to show cause, if any there be, why the order in the said appeal mentioned should not be corrected and speedy justice should not be done to the parties on that behalf.

Dated New York, December 4th, 1889.

E. HENRY LACOMBE.

82 [Endorsed:] U. S. Supreme Court. In the matter of the petition of Charles Palliser, appellant. Citation. Roger Foster, attorney for appellant, 206 & 208 Broadway, New York, N. Y. Due service of a copy of the within citation is hereby admitted this 11 day of December, 1889. John A. Shields, attorney for respondents.

83 *Affidavit of Service.*

United States Circuit Court, Southern District of New York.

In the Matter of CHARLES PALLISER.

STATE OF NEW YORK, }
City and County of New York, } ss:

Thomas M. Rowlette, of the city and county of New York, being

duly sworn, says that he is above the age of twenty-one years, and that on the 10th day of December, in the year one thousand eight hundred and eighty-nine, he served the annexed original citation on Edward Mitchell, the United States district attorney for the southern district of New York, and on Martin T. McMahon, the United States marshal for the southern district of New York, by delivering a copy of the same to each of them personally and leaving the same with them and each of them at their respective offices in the post-office building and in the Times building, in the city,
84 county, and State of New York, at the same time exhibiting to them and each of them the original.

THOMAS M. ROWLETTE.

Sworn to before me this 12th day of December, 1889.
[SEAL.] SYLVANUS BROWN, *Notary.*

(Endorsed:) U. S. Supreme Court. In the matter of the petition of Charles Palliser, appellant. Citation. Roger Foster, appellant's attorney, 206 & 208 Broadway, N. Y. U. S. circuit court. Filed Dec. 12, 1889. John A. Shields, clerk.

85 UNITED STATES OF AMERICA, } ss:
Southern District of New York, }

I, John A. Shields, clerk of the circuit court of the United States of America for the southern district of New York, in the second circuit, do hereby certify that the foregoing pages, numbered from one to eighty-four, inclusive, contain a true and complete transcript of the record and proceedings had in said court in the case of in the matter of the petition of Charles Palliser for the writ of *habeas corpus* as the same remain of record and on file in said office.

Seal of U. S. Circuit Court, South. Dist. New York.

In testimony whereof I have caused the seal of the said court to be hereunto affixed, at the city of New York, in the southern district of New York, in the second circuit, this ninth day of January, in the year of our Lord one thousand eight hundred and ninety, and of the Independence of the said United States the one hundred and fourteenth.

JOHN A. SHIELDS, *Clerk.*

Endorsed on cover: S. New York C. C. U. S. No. 1538. Charles Palliser, appellant, *vs.* The United States of America & John A. Shields, individually and as United States commissioner, and Martin T. McMahon, individually and as marshal of the United States for the southern district of New York. Filed January 11, 1890.

SUPREME COURT OF THE UNITED STATES.

In the Matter of the Application of CHARLES PALLISER, for a Writ of Habeas Corpus.

CHARLES PALLISER,
Appellant,
against
THE UNITED STATES, JOHN A. SHIELDS and MARTIN McMAHON,
Respondents.

No. 1538.

NOTICE AND STATEMENT OF MOTION FOR LEAVE TO RENEW MOTION TO ADVANCE CASE.

ROGER FOSTER,
Attorney and Counsel for Charles Palliser, Appellant,
206 and 208 Broadway,
New York City.

C. G. Burgoyne's Printing Business, Cor. Walker and Centre St., N. Y.

Supreme Court

OF THE UNITED STATES.

IN THE MATTER

OF

The Application of CHARLES PALLISER for a Writ of *Habeas Corpus*.

No. 1538.

CHARLES PALLISER,
Appellant,

AGAINST

THE UNITED STATES, JOHN A. SHIELDS and MARTIN T. MCMAHON,
Respondents.

SIR—Take notice that upon the verified statement of motion hereto annexed; and upon the printed transcript of the record of the Court below in the above-entitled proceeding and upon all the papers and proceedings herein; I shall move this Court, at a Stated Term thereof to be held at the Capitol in the City of Washington, in the District of Columbia, on the first Monday of April, 1890, at the opening of the Court upon that day, or as soon thereafter as counsel can be heard, for leave to renew the motion to advance this appeal heretofore made, and for an order advancing this appeal, and setting down the same for a hearing

for an early day during the present term; and for such other and further relief in the premises as may be just.

New York, April 1st, 1890.

ROGER FOSTER,
Attorney and Counsel for Charles Palliser,
Appellant,
206 and 208 Broadway,
New York.

To the HON. WILLIAM HENRY HARRISON MILLER,
Attorney-General.

STATEMENT OF MOTION.

IN THE SUPREME COURT OF THE UNITED STATES.

IN THE MATTER

OF

The Application of CHARLES PALLISER for a Writ of *Habeas Corpus*.

CHARLES PALLISER,
Appellant,

AGAINST

THE UNITED STATES, JOHN A. SHIELDS and MARTIN T. MCMAHON,
Respondents.

And now comes the appellant Charles Palliser, by Roger Foster, his attorney, and moves for leave to re-

new his motion to advance this case heretofore made 9
and denied, and moves for an order to advance this
case in accordance with Rule 26 of the Rules of the
Supreme Court, and to have the same set down for a
hearing upon some early day for the reasons contained
in the statement of the original motion heretofore and
also for the following reasons: The previous mo-
tion to advance this case was made upon the
papers, copies of which are hereto attached,
on the first Monday of February, 1890. No oral ar-
gument was then made, nor was any brief or written 10
argument submitted. A decision denying said motion
upon which an order was granted was handed down
without any opinion on the day of ,
1890. No printed copy of the transcript of record was
submitted to the Court upon the argument of the orig-
inal motion herein nor was the Court's attention called
to the fact that said record had been printed.
It is now intended to have a printed transcript
of the record herein submitted to the Court upon the
statement of this motion. Said original statement of 11
motion did not show clearly the grounds of the jurisdic-
tion of this Court and of the Court below to which the
petition was presented; namely (1) That the alleged
offense charged is not made a crime by any statute of
the United States; (2) That in violation of the Consti-
tution of the United States your petitioner is about to
be tried in the State of Connecticut for an alleged
offense committed in the Southern District of New York.
At the time when this motion was originally made it
did not appear whether the said appellant Charles 12
Palliser had been bailed or not. As a matter of fact,
he was then out on bail. Since then, he has been
seized by and is now in the custody of and actually re-
strained of his liberty by said bail, and the bondsman who
is his bail threatens to remove him from the City and
District of New York, where he resides, to the State
and District of Connecticut, and to there surrender him
into the custody of the Marshal of said District. No in-

13 dictment has been found nor has any information been filed against your petitioner.

ROGER FOSTER,
Attorney and Counsel for Charles Palliser,
Appellant,
206 & 208 Broadway,
New York.

14

STATE OF NEW YORK,
Southern District of New York, } ss.:
City and County of New York,

CHARLES PALLISER, being duly sworn, says: I am the above-named appellant. Each and every allegation in the foregoing statement of motion is true.

CHARLES PALLISER.

15 Sworn to before me this
day of April, 1890.

[N. S.] Notary Public,
N. Y. Co.

16

NOTICE OF MOTION.

SUPREME COURT OF THE UNITED STATES.

In the Matter

of

The Application of Charles Palliser, Appellant, for a writ of *Habeas Corpus*.

No. 1538.

Charles Palliser,
Appellant,

against

The United States, John A. Shields and Martin McMahon,
Respondents.

Sir—Take notice that, upon the verified statement of motion hereto annexed, I shall move this Court at a Stated Term thereof to be held at the Capitol, in the City of Washington, in the District of Columbia, on the first Monday of February, 1890, at the opening of Court on that day, or as soon thereafter as counsel can be heard, for an order advancing this appeal and setting down the same for a hearing on some day during the first or second week in February, 1890, and for such other and further relief in the premises as may be just.

New York, January 28th, 1890.

Yours, &c.,
Roger Foster,
Attorney and Counsel for Charles Palliser,
Appellant,
206 and 208 Broadway,
New York.

To Hon. William Henry Harrison Miller,
Attorney General.

21

STATEMENT OF MOTION.

IN THE SUPREME COURT OF THE UNITED STATES.

In the Matter

of

22 The Application of Charles Palliser,
Appellant,
For a writ of *Habeas Corpus*.

Number 1538.

Charles Palliser,
Appellant,

against

The United States, John A. Shields
23 and Martin T. McMahon,
Respondents.

And now comes the appellant Charles Palliser, by Roger Foster, his attorney and counsel, and moves for leave to advance this case in accordance with Rule Twenty-six of the Rules of the Supreme Court, and to have the same set down for a hearing on some day during the first or second week in February, 1890, for the
24 following reasons: This case is an appeal from an order of the Circuit Court of the United States for the Southern District of New York, dismissing a writ of *habeas corpus* issued at the prayer of this appellant and addressed to the above-named individuals; the first named of whom was a United States Commissioner, and the second of whom was a United States Marshal, who then held him in custody under a warrant issued under color of the postal laws of the United States, which order also remanded the petitioner to the custody of the said Marshal. Said warrant was issued for

the purpose of arresting this appellant and removing him for trial to the District Court of the United States for the District of Connecticut for an alleged offense under said postal laws. More than forty similar charges are now pending or threatened against this appellant for similar alleged violations of said postal laws, on account of the alleged issue by him of a certain circular letter requesting certain postmasters in the State of Connecticut to sell him postage stamps upon credit. The sending of such a circular is claimed to be an offense under Section 5451 of the Revised Statutes of the United States, and the Act of June 17th, 1878, 22 Statutes at Large, page 141. Proceedings are now pending in said District of Connecticut against certain postmasters for alleged violations of said postal laws, by their alleged selling of said postage stamps to this appellant on credit. This appellant believes that neither the sending of such a circular, nor the selling of postage stamps on credit constituted any offense under the said postal laws, or any provisions of the statutes of the United States. Said postal laws are obscure and of doubtful construction. The District Judge of the United States, for the District of Connecticut, the Honorable Nathaniel D. Shipman, has postponed a submission to the Grand Jury there of the charges against this appellant and has ordered a postponement of the charges against one or more postmasters in the said State, in order to have a construction of said Statutes by the Supreme Court of the United States in this proceeding, if possible, before the consideration of such matters by the Grand Jury and the trial of any indictment found by the Grand Jury. The next term of the District Court of the United States for the District of Connecticut is appointed to be held on the twenty-fifth day of February, 1890, at the City of New Haven, in the State of Connecticut, at which time said matters will probably be considered by the Grand Jury and the Court. The Judge of the Circuit Court of the United States for the Southern District of New York, who made the order from which this appeal is taken,

29 appointed the return day for this appeal, for the third Friday of January, 1890, in order that the matter might be summarily disposed of by this Court. The transcript of the record below has been duly filed, the fee for printing the same paid; and this case has been docketed on the calendar of this Court, for the October Term of 1889, as Number 1538.

The reason for appellant's delay in making this motion is that he first endeavored to induce the Attorney-General to make the same. The District Attorney of the
30 United States for the District of Connecticut, has requested the Attorney-General to make this motion.

This appellant respectfully submits that this case, although not strictly a criminal proceeding, is in the nature of a criminal proceeding, and, therefore, in the equity although not within the letter of Subdivision Three of Rule Twenty-six of this Court.

He further submits that sufficient special and peculiar circumstances exist in this case to warrant the immediate taking up of this case and to grant to it a
31 preference under Subdivision Seven of Rule Twenty-six of this Court. And he further respectfully refers the Court to its language, when speaking through Mr. Justice MATHEWS, in the case of Roberts vs. Reilly, 116 United States, 80, at pages 92 to 93; concerning Sections 763 and 765 of the Revised Statutes of the United States, under which this appeal is taken, as follows: "This statutory provis-
" ion evidently contemplates the summary character
" of the proceedings under the writ of *habeas corpus*
32 " as not admitting in favor of the liberties of the
" citizen, the delays usual and necessarily attending
" ordinary litigation between parties, and confers upon
" the judicial tribunal, or the Judge hearing the appli-
" cation and making the order which is the subject of
" the appeal, discretion to send up the case to the ap-
" pellate tribunal, under such regulations and orders as
" may seem best adapted to secure the speediest and
" most effective justice. This harmoniously adopts
" the practice in direct appeals in such cases under
" these sections of the Revised Statutes to that exer-

" cised independently of these provisions by means of 33
" the original writ of *habeas corpus*, with the aid of a
" writ of *certiorari*, to bring up the record of the pro-
" ceedings to be reviewed."

ROGER FOSTER,
Attorney and Counsel for Charles Palliser,
Appellant,
206 and 208 Broadway,
New York.

34

STATE OF NEW YORK,
City and County of New York, } ss.:
Southern District of New York,

CHARLES PALLISER, being duly sworn, deposes and says: I am the above-named appellant. Each and every allegation in the foregoing statement of my motion is true.

CHARLES PALLISER. 35

Sworn to before me this 28th day of January, 1890.

SYLVANUS BROWN,
[NOTARIAL SEAL.]
Notary Public,
N. Y. Co.

36

APR 7 1890

SUPREME COURT OF THE UNITED STATES.

CHARLES PALLISER,
Appellant,
against
THE UNITED STATES, JOHN A. SHIELDS AND MARTIN T. McMAHON.
Respondents.

No. 1538.

MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO RENEW MOTION TO ADVANCE.

ROGER FOSTER,
Attorney and Counsel for Charles Palliser, Appellant,
206 and 208 BROADWAY,
New York.

J. G. Burgoyne's Printing Business, 146-150 Centre Street, N. Y.

Supreme Court of the United States.

CHARLES PALLISER, Appellant, AGAINST THE UNITED STATES, JOHN A. SHIELDS AND MARTIN T. MCMAHON, Respondents.	No. 1538.

Memorandum in support of motion for leave to renew motion to advance.

STATEMENT.

This is a motion for leave to renew a motion to advance an appeal from an order of the Circuit Court of the United States for the Southern District of New York, dismissing a writ of *habeas corpus* and remanding the appellant to custody, for removal from the City and County of New York, where he resides, to the State of Connecticut. A previous motion to advance this appeal was denied without any opinion.

The following new facts appear, which were not shown in the original statement or motion: It did not then appear whether the appellant was then in custody or not. As a matter of fact, he was then out on bail. Since then he has been taken into custody, and is now actually in custody. It did not then appear that no indictment had been found nor informa-

tion filed against the appellant. It did not then appear that the transcript of the record had been printed. A printed transcript of the record is now made a part of these motion papers, and will be submitted to the Court with the statement of motion. The original statement of motion did not clearly show the grounds of the jurisdiction of this Court and the Court below, namely:

(1) That the alleged offense charged is not made a crime by any statute of the United States;

(2) That, in violation of the Constitution of the United States, the appellant is about to be removed into the State of Connecticut for trial in the District Court there held, for an alleged offense committed in the Southern District of New York.

I.

We are well aware of the reluctance of the Court to give a preference to any appeal; on the ground that there is danger of injustice being thereby done to other appellants with cases previously docketed, whose disposition is delayed by placing another case before them. But we respectfully submit that appeals involving questions of personal liberty should in every case be granted a preference. And we believe this to have been hitherto the invariable rule, not only in this Court but in also every other appellate court of justice with the proceedings of which we have any acquaintance.

Courts of justice sit for three purposes: the protection of life, liberty and property. The relative importance of these three classes of jurisdiction lies in the order named. Appeals in cases involving life and liberty are useless if not brought to an immediate hearing. Appeals in cases affecting rights of property, alone, are not avoided by delays in hearing them. For this

reason, we submit that, in accordance with general principles of jurisprudence, apart from any consideration of the rules or statutes, this Court should always advance appeals from orders denying writs of *habeas corpus*.

II.

Such has been the previous invariable practice of this Court so far as we have been able to ascertain it.

It is true that no rule regulates the subject. The reason of this is that before 1885, no appeals were allowed from orders of the Circuit Courts denying writs of *habeas corpus*, except in certain cases involving international questions under which no application for a writ of *habeas corpus* has ever been made since McLeod's case, the occurrence of which was the reason of that exception. Before 1885, parties desiring the opinion of the Supreme Court in cases affecting personal liberty were accustomed to sue out original writs of *habeas corpus* there. Such original writs were of course entitled to an immediate hearing.

When Congress, in 1885, gave the Supreme Court appellate jurisdiction in all cases of applications to the Circuit Courts for writs of *habeas corpus*, it was the evident intention of that body that such appeals should be heard summarily and as motions. A similar disposition of appeals from District to Circuit Courts is the invariable custom of the Circuit Courts.

Roberts vs. Reilly, 116 U. S., 80.

The statute regulating such appeals to the Supreme Court is as follows: U. S. R. S., Sec. 765 "The appeals "allowed by the two preceding sections shall be taken "on such terms, and under such regulations and orders,

" as well for the custody and appearance of the person
" alleged to be in prison or confined, or restrained of
" his liberty, as for sending up to the appellate tribunal
" a transcript of the petition, writ of *habeas corpus*, the
" return thereto, and other proceedings, as may be pre-
" scribed by the Supreme Court, or in default thereof
" by the Court or Judge hearing the cause."

That a summary disposition of such appeals by the Supreme Court, as well as by the Circuit or District Courts was the intention of Congress, appears from the language of this Court, speaking through Mr. Justice MATTHEWS, in a part from any consideration of the rules and statutes.

> Roberts vs. Reilly, 116 U. S., 80, at pages 92–93.

" This statutory provision evidently contemplates
" the summary character of the proceedings under
" the writ of *habeas corpus* as not admitting, in favor of
" the liberty of the citizen, the delays usually and nec-
" essarily attending ordinary litigation between parties
" and confers upon the judicial tribunal or the Judge
" hearing the application and making the order which
" is the subject of the appeal, discretion to send up the
" case to the appellate tribunal, under such regulations
" and orders as may seem best adapted to secure the
" speediest and most effective justice. This harmon-
" iously adapts the practice in direct appeals in such
" cases under these sections of the Revised Statutes,
" to that exercised independently of these provisions by
" means of the original writ of *habeas corpus*, with the
" aid of a writ of *certiorari* to bring up the record of
" the proceedings to be reviwed."

In the present case the Circuit Court directed the return day, and consequently the hearing, to be in January last.

The Supreme Court has made no rules upon the subject except Rule 34, which merely provides for the cus-

tody of the petitioner pending such an appeal. In the absence of any rule, we respectfully suggest that the proper practice is to have such appeals taken up summarily and heard as motions upon some Monday during the Term, with an allowance of not more than one hour for argument to each side, except in special cases. Such a disposition cannot materially prejudice the parties to other causes upon the calendar. To deny the advancement and the summary disposition of an appeal in a writ of *habeas corpus* would be equivalent to the denial of the right of appeal. To grant such an appeal only upon condition that the case be submitted on printed arguments, would increase the labors of the Court by depriving its members of the assistance afforded by oral arguments of counsel; which, in cases of this nature, that often depend upon important constitutional questions, are more necessary than in other cases. It would also be unjust to deprive the prisoner of the right to be heard by counsel. No injustice, however, can be done by limiting the time for argument; since most appeals of this character are taken upon short records and involve not more than one or two questions of law.

To leave the advancement of such appeals in the discretion of the appellate tribunal would establish a precedent of great danger; which, in cases arising hereafter in this Court, when composed of different persons from those who now constitute it, might be used in opposition to the will of Congress and the language of the Constitution to assist the executive in oppressing the citizen by arbitrary imprisonment.

III.

There is no doubt as to the jurisdiction of this Court upon this appeal.

The opinion of Mr. Justice LACOMBE that the motion was addressed to a judge below, and not to the Court, is clearly erroneous. The caption of the order is "at a Stated Term of the Circuit Court of the United States for the Southern District of New York, held in the Post-office Building, in the City, County and State of New York, on December 3d, 1889. Present: Hon. HENRY E. LACOMBE, Circuit Judge." The order was filed and entered in the Clerk's office. If it had been a judge's order, it would not have been entered. The writ was, by its terms, returnable before "a stated term of the Circuit Court of the United States for the Southern District of New York, to be held in the Post-office Building, in the City, County and State of New York," &c. The case was argued in open Court during the pendency of a stated term thereof, which commenced on the third Monday of October, and was still pending unadjourned.

The order differs *toto coelo* from the order in

Carper vs. Fitzgerald, 121 U. S., 87, 88.

The writ there was made returnable "before the HON. HUGH L. BOND, Judge of our Circuit Court," &c.

The order here is in the same form as those orders, which were held to be Court orders and not Judge's orders in

Heishon vs. Knickerbocker Life Ins. Co., 77 N. Y., 278;
Elwood vs. Roof, 82 N. Y., 428.

The test to distinguish a Court order from a Judge's order, which was applied by Chief-Justice MARSHALL

and his associates was, whether the motion was argued in open Court or at a Judge's Chambers.

Ex parte Bollman and Swartwout, 4 Cranch, 75, 95, 106.

IV.

A prisoner held under a warrant issued upon a complaint which does not allege facts constituting a crime, will always be discharged by a writ of *habeas corpus* sued out before judgment of conviction; or at least before indictment.

The leading case on this point is

Ex parte Bollman vs. Swartwout, 6 Cranch, 75, 136;

where prisoners, arrested on a charge of treason and proved to have assisted Aaron Burr in his conspiracy, were discharged by the Supreme Court of the United States upon the ground that the facts proved did not constitute treason; and when it was claimed that the proved facts, if they did not constitute treason, did constitute a crime of an inferior grade, the Court refused to consider that question because the arrest was under charge of treason.

Similar cases where the Court have, upon *habeas corpus*, considered the criminality of acts by the petitioners, are:

U. S. vs. Hamilton, 3 Dallas, 17;
Ex parte Burford, 3 Cranch, 348;
Ex parte Watrous, 7 Peters, 668;
Ex parte Jenkins, 2 Wall. C. C., 521, 528;
In re Martin, 5 Blatch., 303;
U. S. vs. Rogers, 23 Fed. R., 658;
In re Cross, 20 Fed. R., 824.

In the present case, no indictment has been found,

although two terms of the District Court of Connecticut have passed since the first charge and arrest were made. The prisoner has consequently had no opportunity to obtain an investigation of the evidence against him by either a grand or a petit jury. Notwithstanding this, he is about to be dragged from his home to a foreign State, there to be imprisoned an indefinite length of time until the District Attorney may conclude that he has sufficient evidence to submit the charge to the grand jury.

Clearly, he is entitled to a remedy by *habeas corpus*. Even if the rule were, that, after indictment, a Court should not interfere by writ of *habeas corpus* before trial; which we deny; that is not the case here. Moreover, it is of the utmost importance for the protection of the liberty of the citizens of this country, that before any one is removed from the State where he lives to another for trial, whether in a State or Federal Court, he should have the criminality of the charge against him examined by means of the great remedial writ. Such has been the universal practice in extradition cases. No other rule should prevail when the trial is to be in a Federal instead of a State Court.

V.

The motion for leave to renew the original motion should be granted. The original motion should be granted. The case should be set down for hearing as a motion upon some Monday during the present term.

Respectfully submitted,
ROGER FOSTER,
Of Counsel for Charles Palliser, Appellant.

SUPREME COURT OF THE UNITED STATES.

ORIGINAL.

IN THE MATTER

OF

The Petition of CHARLES PALLISER, for a Writ of Habeas Corpus.

PETITION, STATEMENT OF MOTION FOR LEAVE TO FILE THE SAME, AND NOTICE OF MOTION.

ROGER FOSTER,
Attorney and Counsel for Petitioner,
206 and 208 BROADWAY,
New York City.

C. G. Burgoyne's Printing Business, 146-150 Centre St., N. Y.

1

Supreme Court of the United States.

In the Matter of the Petition of Charles Palliser for a Writ of Habeas Corpus.	Original.

2

To the Honorable, the Chief Justice and Justices of the Supreme Court of the United States:

The petition of Charles Palliser respectfully shows to this Honorable Court:

I. Your petitioner is a citizen of the United Kingdom of Great Britain and Ireland, and resides and is engaged in business in the City, County and State of New York. 3

II. Your petitioner is deprived of his liberty by one George Palliser, and he is thus held in custody by said George Palliser by color of the authority of the United States, contrary to the Constitution and Laws of the United States. On or about September 27th, 1889, a complaint of which the within is a copy was presented to John A. Shields, Esq., United States Commissioner for the Southern District of New York. 4

"United States of America, } ss.:
"Southern District of New York, }

"John H. Bario, being duly sworn, deposes and "says that he is an inspector of the Post-office "Department; that on October 23d, 1888, Charles Pal-

5 " liser of the City and State of New York, then and
" there doing business under the name and style of
" Palliser, Palliser & Co., at Old Lyme, in the County of
" New London, in the State and District of Connecti-
" cut, with force and arms unlawfully and wilfully did
" tender to one W. R. DeWolfe, who then and there
" was and thereafter continued to be until the 4th day
" of March, 1889, a postmaster of the United States at
" a certain Post-office known as Black Hall, in said
" County of New London, a certain contract in the
6 " words and figures following:

" NEW YORK, October 23, 1888.

" POSTMASTER, BLACK HALL, CONN.:

" DEAR SIR—We desire in each county a place
" through which to send out mail matter, as we want to
" reach every business man, mechanic, and real estate
" man in every State by circular.

" If we ship to you from our printing department
7 " located in the country in your State, say, 5,000 to
" 10,000 circulars in envelopes, and each addressed will
" you give the same your careful attention, sending out
" daily 50 to 100 during the coming months until they
" are all out, and then render us statement of same,
" with account for stamps used and we will remit for
" same.

" We are doing this in other general store Post-
" offices in adjoining counties to yours, and it is per-
" fectly legitimate, and we await your reply in addressed
8 " and stamped envelope enclosed herewith, as, if you
" cannot attend to same, we must at once send else-
" where.

" Yours, very truly,
" PALLISER, PALLISER & CO.

" with the intent of him the said Palliser, to induce him,
" the said DeWolf, as such postmaster—that is to say, to
" sell him, the said Palliser, postage stamps of the United
" States otherwise than for cash, to wit, upon the credit
" of said Palliser, against the peace of the United States,

" and contrary to the statutes thereof in such case made 9
" and provided. Deponent further says that said Charles
" Palliser is now within the Southern District of New
" York.

" JOHN H. BARIO.

" Subscribed and sworn to
" before me this 27th
" day of Sept., 1889.

" JOHN A. SHIELDS,
" U. S. Commissioner."

10

Upon said complaint, the said John A. Shields, United States Commissioner, issued a commitment and warrant to the Marshal of the United States for the Southern District New York for the production of your petitioner before him. Evidence was subsequently taken before the said Commissioner in support of the said charges in the said complaint; but no offense against the United States was proven against your petitioner before the said Commissioner, and your petitioner is innocent and not guilty of any offense against 11
the United States. Said evidence proved conclusively that said letter was both written and mailed within the City and County of New York and within the Southern District of New York. Subsequently thereto on or about December 3d, 1889, the said Commissioner rendered a decision holding that the charge mentioned in said complaint had been proven against your petitioner; but said Commissioner did not find that any other alleged offense has been committed by your petitioner except such 12
as is described in the said complaint. Thereupon at or about the said day the Honorable Addison Brown, District Judge of the United States for the Southern District of New York, under color of, but without any authority from the Statutes of the United States and in violation of the Constitution of the United States, issued a warrant for the removal of your petitioner from the Southern District of New York to the District of Connecticut for trial within the said District of Connecticut for the said alleged offense. The said George

13 Palliser thereupon signed a bail bond and became surety for the appearance of your petitioner in the said District of Connecticut when your petitioner should be summoned there for trial for said alleged offense. Subsequently thereto on or about the 2d day of April, 1890, the said George Palliser has seized your petitioner, under color of the Statutes of the Unites States, claiming the right to remove your petitioner to the District of Connecticut and to surrender him to the custody of the Marshal of the State of Connecticut,
14 and the said George Palliser threatens to remove your petitioner to the said District of Connecticut, as aforesaid, and pour petitioner is now actually and physically restrained of his liberty by the said George Palliser.

III. Your petitioner has already applied to the Circuit Court of the United States for the Southern District of New York for his discharge from arrest under the said complaint; and on or about December 3d, 1889, said Circuit Court entered an order dis-
15 missing a writ of habeas corpus previously granted by it upon said application and remanding your petitioner into the custody of Martin T. McMahon, who was then the Marshal of the United States for the Southern District of New York. An appeal has been taken from the said order of the Circuit Court to the Supreme Court of the United States. A transcript of the record of said Circuit Court has been duly filed in the Supreme Court of the United States and has been printed, and said appeal docketed upon the calendar of the Su-
16 preme Court of the United States for the October Term of 1889, as No. 1538. A motion to advance said appeal was made by your petitioner on or about the first Monday of February, 1890, which motion was denied on or about the day of , 1890.

Said appeal cannot be reached in the regular order of the docket of this Court for at least one year. For said reason, another application to the said Circuit Court for a writ of habeas corpus herein would be useless.

IV. Your petitioner has been unable to procure a 17
copy of said warrant of removal and of said bail bond. He has searched for the same without success in the offices of the Marshal of the United States for the Southern District of New York and among the papers of said Martin T. McMahon relating to his said marshalship, and he has been informed by the person in charge of said office and papers that said warrant and said bail bond are not there.

Wherefore, your petitioner prays that your Honor- 18
able Court will order a writ of habeas corpus to issue to the said George Palliser, ordering him to produce the body of the said Charles Palliser before this Court at some time to be designated by this Court, then and there to abide what shall be done by this Court in the premises; at the same time your petitioner prays that your Honorable Court will direct a writ of *certiorari* to issue from this Court to the Marshal of the United States for the Southern District of New York and to said John A. Shields, United States Commissioner as aforesaid, ordering and requiring them 19
—the said Marshal and Commissioner—forthwith to certify to this Court true copies of the proceedings, complaints, hearings, trials, affidavits, warrants, judgments, orders and committments which have been had, found, tried and passed in the premises against your petitioner and under color of which he is now deprived of his liberty by the said George Palliser, and as in duty bound your petitioner will ever pray, &c.

CHARLES PALLISER.

ROGER FOSTER, 20
Attorney for Petitioner,
206 and 208 Broadway,
New York.

SOUTHERN DISTRICT OF NEW YORK, }
State, City and County of New York, } ss.:

CHARLES PALLISER, being duly sworn, deposes and says: I am the petitioner above named. Each and

every allegation in the foregoing petition is true. No previous application for a writ of *habeas corpus* or writ of *certiorari* has been made by me to this Court.

CHARLES PALLISER.

Sworn to before me this day of April, 1890.

[N. S.]

Notary Public,
N. Y. Co.

On this day of April, 1890, before me, a notary public in and for the City and County of New York, appeared in the said City and County of New York and Southern District of New York, Charles Palliser, to me known, and known by me to be the above-named petitioner, and then and there he acknowledged to me that he had signed the foregoing petition.

[N. S.]

Notary Public,
N. Y. Co.

STATEMENT OF MOTION.

SUPREME COURT OF THE UNITED STATES.

IN THE MATTER OF The Petition of CHARLES PALLISER, for a Writ of Habeas Corpus.	Original.

And now comes Charles Palliser, by Roger Foster, his attorney and counsel and moves for leave to file a petition for an original writ of habeas corpus a copy. of which is hereto annexed.

NOTICE OF MOTION.

SUPREME COURT OF THE UNITED STATES

In the Matter of The Petition of Charles Palliser, for a Writ of Habeas Corpus.	Original.

Sir—Take notice that I shall move this Court, at a stated Term thereof, to be held at the Capitol in the City of Washington, in the District of Columbia, on the first Monday of April, 1890, at the opening of Court, upon that day or as soon thereafter as counsel can be heard for leave to file the petition, a copy of which is hereto annexed, and for such other and further relief in the premises as may be just.

New York, April 2d, 1890.

Yours, &c.,
Roger Foster,
Attorney and Counsel for Charles Palliser,
206 and 208 Broadway,
New York.

To Hon. William Henry Harrison Miller,
Attorney-General.

EXHIBIT NO. 3.

MILEAGE OF COAL CARS IN BOSTON CAR TRUST, SERIES "C."

PERIOD FROM FEBRUARY 1ST, '83, TO AUG. 1ST, '83.

Months.	Series.	Ter. Div.		Toledo Div.		St. L. Div.		Total Tol. Ter., Tol., & St. L.			Day. Div.		So. E. Div.		Iron Div.		Cin. Div.		Cin. Nor. Div.		Total Southern Div.			Total of all divisions.		
		Loads.	Empt's.	Loads.	Empt's.	Loads.	Empt's.	Loads.	Empt's.	Totals.	Loads.	Empt's.	Loads.	Empt's.	Loads.	Empt's.	Loads.	Empt's.	Loads.	Emp'ts.	Loads.	Empt's.	Total.	Loads.	Emp'ts.	Total.
Feb'y	C	9	12	213	363			222	375	597	657	853	3,211	2,644			51	17			3,919	3,514	7,433	4,141	3,889	8,030
Mar.	"	21	18	482	377			503	395	898	1,109	1,453	2,774	2,044			68	51			3,951	3,548	7,499	4,454	3,943	8,397
Apr.	"	3	12	178	384			181	396	577	742	520	2,303	2,133			34	51			3,079	2,704	5,783	3,260	3,100	6,360
May	"	18	9	490	183			508	192	700	485	559	2,489	2,158			17	34			2,991	2,751	5,742	3,499	2,943	6,442
June	"	9		530		427	144	966	144	1,110	679		2,110	1,062			68	17	91	73	2,948	1,152	4,100	3,914	1,296	5,210
July	"	6		635	107	1,188	430	1,829	537	2,366	301	465	2,188	2,119			119	34	206	40	2,814	2,658	5,472	4,643	3,195	7,838
Total		61	51	2,533	1,414	1,615	574	4,209	2,039	6,248	3,973	3,850	15,075	12,160			357	204	297	113	19,702	16,327	36,029	23,911	18,366	42,277

PERIOD FROM AUG. 1ST, '83, TO DEC. 1ST, '83.

Aug.	C	27		1,076	371	602	865	1,705	1,236	2,941	1,162	452	1,933	2,262	11		34	41	88	46	3,228	2,801	6,029	4,933	4,037	8,970
Sept.	"	24	15	1,204	797	872	552	2,100	1,364	3,464	1,278	1,460	3,576	3,978	12		87	51	170	98	5,123	5,587	10,710	7,223	6,951	14,174
Oct.	"	30	24	951	511	305	339	1,286	874	2,160	1,349	829	3,110	3,337			102	68	193	109	4,754	4,343	9,097	6,040	5,217	11,257
Nov.	"	9		961	107	741	447	1,711	554	2,265	1,007	621	3,944	3,110	106	56	68	85	110	121	5,235	3,993	9,228	6,946	4,547	11,493
Total		90	39	4,192	1,786	2,520	2,203	6,802	4,028	10,830	4,796	3,362	12,563	12,687	129	56	291	245	561	374	18,340	16,724	25,064	25,142	20,752	45,894

PERIOD FROM DEC. 1ST, '83, TO AUG. 1ST, '84.

Dec.	C	6	3	356	258	475	268	837	529	1,366	291	480	2,619	2,255	44	6	136	68	244	132	3,334	2,941	6,275	4,171	3,470	7,641
Jan'y	"	24	12	675	391	190	137	889	540	1,429	935	582	3,130	2,903				17		14	4,065	3,516	7,581	4,954	4,056	9,010
Feb'y	"	9	9	405	405	338	223	752	637	1,389	961	996	3,140	3,053			58	41	93	57	4,252	4,147	8,399	5,004	4,784	9,788
Mar.	"	18	6	408	142	328	212	754	360	1,114	1,024	771	3,302	3,553			51	51	79	79	4,456	4,454	8,910	5,210	4,814	10,024
Ap'l	"	21	3	687	209	220	196	928	408	1,336	625	336	2,027	2,898	22		136	136	203	203	3,013	3,573	6,586	3,941	3,981	7,922
May	"	6		209	198	38	82	253	280	533	384	96	1,911	1,984	78	28	68	68	145	78	2,586	2,254	4,840	2,839	2,534	5,373
June	"	6		355	153	87	100	448	253	701	299	87	1,609	1,525			75	68	122	83	2,105	1,763	3,868	2,553	2,016	4,569
July	"	12		340	136		111	352	247	599	397	424	1,304	1,036	87	12	51	24	93	41	1,932	1,537	3,469	2,284	1,784	4,068
Total		102	33	3,435	1,892	1,676	1,329	5,213	3,254	8,467	4,916	3,772	19,042	19,207	231	46	575	473	979	687	25,743	24,185	49,928	30,956	27,439	58,395

MILEAGE OF BOX CARS IN BOSTON CAR TRUST, SERIES "A," "C," & "D."

Period from Feb'y 1st, 1883, to August 1st, 1883.

Month.	Series.	Ter. Div.		Toledo Div.		St. L. Div.		Total Tol. Ter. & Tol. & St. L. Div.			Day. Div.		So. E. Div.		Iron Div.		Cin. Div.		Cin. Nor. Div.		Total Southern Div's.			Total of all div's.		
		Loads.	Empty.	Loads.	Empty.	Loads.	Empt's.	Loads.	Empt's.	Total.	Loads.	Empt's.	Loads.	Empt's.	Loads.	Empt's.	Loads.	Empt's.	Loads.	Emp'ts.	Loads.	Empt's.	Total.	Loads.	Emp'ts.	Total.
Feb.	A	18	3	1,417	269	404	206	1,839	478	2,317	151	36	226				51				428	36	464	2,267	514	2,781
Mar.	"	24	3	784	214			808	217	1,025	417		501	134			51	17			969	151	1,120	1,777	368	2,145
Ap'l	"	33	9	1,669	220	564	6	2,266	235	2,501	500		432	102			102	17			1,034	119	1,153	3,300	354	3,654
May	"	18	3	865	414	561	420	1,444	837	2,281	581	192	620	14			34				1,235	207	1,442	2,679	1,044	3,723
June	"	27	12	2,685	702	1,979	684	4,691	1,398	6,089	531	27	153	35			34		72		790	62	852	5,481	1,460	6,941
July	"	15	3	957	205	927	408	1,899	616	2,515	180	11	133	82			17		14		344	93	437	2,243	709	2,952
Total		135	33	8,377	2,024	4,435	1,724	12,947	3,781	16,728	2,360	267	2,065	367			289	34	86		4,800	668	5,468	17,747	4,449	22,196
Feb'y	C	30	6	1,506	803	420	27	1,956	836	2,792	420	105	196	4			34				650	109	759	2,606	945	3,551
Mar.	"	48	9	2,761	1,008	776	296	3,285	1,313	4,598	725	101	179	85			17	17			921	203	1,124	4,206	1,516	5,722
Apr.	"	48	18	2,032	665	554	134	2,634	817	3,451	485	92	201								686	92	778	3,320	909	4,229
May	"	42		2,096	422	1,758	905	3,896	1,327	5,223	675		642	83							1,317	83	1,400	5,213	1,410	6,623
June	"	57	9	3,036	919	1,132	604	4,225	1,532	5,757	919	45	450	101			17				1,386	146	1,532	5,611	1,678	7,289
July	"	39	6	1,769	398	1,298	207	3,106	611	3,717	401	15	441	18			34		72		948	33	981	4,054	644	4,698
Total		264	48	12,900	4,215	5,938	2,173	19,102	6,436	25,538	3,625	358	2,109	291			102	17	72		5,908	666	6,574	25,010	7,102	32,112
Feb'y	D	171	48	8,624	3,192	2,486	768	11,281	4,008	15,289	2,590	552	2,624	435			246	99			5,460	1,086	6,546	16,741	5,094	21,835
Mar.	"	339	63	15,143	6,488	2,755	1,901	18,237	8,452	26,689	4,047	1,098	4,169	788			306	153			8,522	2,039	10,561	26,759	10,491	37,250
Apr.	"	288	54	12,416	3,128	3,701	1,142	16,405	4,324	20,729	3,783	305	3,608	525			34	56			7,425	886	8,311	23,830	5,210	29,040
May	"	198	15	10,531	3,024	7,855	4,458	18,584	7,497	26,081	4,188	268	2,535	248			221	63			6,944	579	7,523	25,528	8,076	33,604
June	"	186	33	11,165	4,094	11,384	2,021	22,735	6,148	28,883	3,394	1,554	3,496	452			119		277		7,286	2,006	9,292	30,021	8,154	38,175
July	"	192	54	9,827	4,198	7,763	2,958	17,782	7,210	24,992	3,771	398	3,818	580	55	11	498	51	1,020	104	9,162	1,144	10,306	26,944	8,354	35,298
Total		1,374	267	67,706	24,124	35,944	13,248	105,024	37,639	142,663	21,773	4,175	20,250	3,028	55	11	1,424	422	1,297	104	44,799	7,740	52,539	149,823	45,379	195,202

Period from Aug. 1st to Dec. 1st, 1883.

Aug.	A	39	6	1,812	575	1,130	529	2,981	1,110	4,091	628	148	309	314			153		305	3	1,395	465	1,860	4,376	1,575	5,951
Sept.	"	72	30	3,883	1,760	3,148	2,195	7,103	3,985	11,088	1,605	26	766	147			34		72		2,477	173	2,650	9,580	4,158	13,738
Oct.	"	36	24	3,306	942	2,206	1,076	5,548	2,042	7,590	899	41	1,152	483			85		140		2,276	524	2,800	7,824	2,566	10,390
Nov.	"	66	9	3,646	1,632	1,047	383	2,339	490	2,820	579		73				68		144		864		864	3,203	490	3,693
Total		213	69	10,227	3,375	7,531	4,183	17,971	7,627	25,598	3,711	215	2,300	944			340		661	3	7,012	1,162	8,174	24,983	8,789	33,772
Aug.	C	63	15	3,015	2,191	3,640	2,331	6,718	4,537	11,255	387	346	903	246			34		66		1,390	592	1,982	8,108	5,129	13,237
Sept.	"	87	42	5,237	2,958	6,587	2,988	11,911	5,988	17,899	242	104	171				51		102		566	104	670	12,477	6,092	18,569
Oct.	"	54	21	3,072	1,476	2,439	1,589	5,565	3,086	8,651	802	11	349				97		297	58	1,545	69	1,614	7,110	3,155	10,265
Nov.	"	84	27	3,979	2,049	537	554	1,582	904	2,486	162	259	549	189	34		105	73	215	14	1,065	535	1,600	2,647	1,439	4,086
Total		288	105	12,285	6,948	13,203	7,462	25,776	14,515	40,291	1,593	720	1,972	435	34		287	73	680	72	4,566	1,300	5,866	30,342	15,815	46,157

MILEAGE OF BOX CARS IN BOSTON CAR TRUST, SERIES "A," "C," & "D"—CONTINUED.

PERIOD FROM AUG. 1ST, 1883, TO DECEMBER 1ST, 1883—Continued.

Months.	Series.	Tol. Ter. Div.		Tol. Div.		St. L. Div.		Total Tol. Ter., Tol., & St. L. Div.			Day. Div.		So. E. Div.		Iron Div.		Cin. Div.		Cin. Nor.		Total South. Div's.			Total of all div's.		
		Loads.	Empt's.	Loads.	Empt's.	Loads.	Empt's.	Loads.	Empt's.	Total.	Loads.	Empt's.	Loads.	Empt's.	Loads.	Empt's.	Loads.	Empt's.	Loads.	Emp'ts.	Loads.	Empt's.	Total.	Loads.	Empties.	Total.
Aug.	D	540	192	28,251	15,367	25,231	13,817	54,022	29,376	83,398	5,586	1,537	4,800	1,200	77	33	612		1,446	2	12,521	2,772	15,293	66,543	32,148	98,691
Sept.	"	561	231	33,065	16,121	36,114	21,751	69,740	38,103	107,843	6,830	907	5,515	837	108	60	698	55	1,010	535	14,161	2,394	16,555	83,901	40,497	124,398
Oct.	"	402	141	22,920	10,276	24,593	12,153	47,915	22,570	70,485	6,560	319	3,618	1,385	131	12	612	51	1,639	164	12,560	1,931	14,491	60,475	24,501	84,976
Nov.	"	27	3	2,883	1,935	11,277	6,043	24,870	9,894	34,764	6,003	440	6,189	535	92	11	527	17	1,307	33	14,118	1,036	15,154	38,988	10,930	49,918
Total		1,330	567	98,002	45,612	97,215	53,764	196,547	99,943	296,490	24,979	3,203	20,122	3,957	408	116	2,449	123	5,402	734	53,360	8,133	61,493	249,907	108,076	357,983

PERIOD FROM DEC. 1ST, '83, TO AUGUST 1ST, 1884.

Dec.	C	33	6	1,633	547	2,496	972	4,162	1,525	5,687	97		5				17		58	50	177	50	227	4,339	1,575	5,914
Jan'y	"	30	12	1,822	862	2,263	993	4,115	1,867	5,982	97	24	5	5			18	33			120	62	182	4,235	1,929	6,164
Feb'y	"	27	12	1,355	654	963	77	2,345	743	3,088	265		7				17		36		325		325	2,670	743	3,413
Mar.	"	15		872	42	1,324	359	2,211	401	2,612	439	151	280	102			68		196	44	983	297	1,280	3,194	698	3,892
Ap'l	"	21		907	145	696	66	1,624	211	1,835	96		284	86				17			380	103	483	2,004	314	2,318
May	"			157	24	351	82	508	106	614			222	71	22		34	17	96	7	374	95	469	882	201	1,083
June	"			40	42	10	38	50	80	130	274		263	26			17		204		758	26	784	803	106	914
July	"	30	15	1,529	1,031	281	47	1,840	1,093	2,933	523	7	203	25	12		34		72		844	32	876	2,684	1,125	3,809
Total		156	45	8,315	3,347	8,384	2,634	16,855	6,026	22,881	1,791	182	1,269	315	34		205	67	662	101	3,961	665	4,626	20,816	6,691	27,507
Dec.	C	27	15	1,912	1,520	2,389	1,214	4,328	2,749	7,077	243	50	726	169							969	219	1,188	5,297	2,968	8,265
Jan'y	"	27	18	1,744	1,265	2,577	2,242	4,348	3,525	7,873	261	20	158	8	36						455	28	483	4,803	3,553	8,356
Feb'y	"	30	15	1,837	922	3,856	817	5,723	1,754	7,477	143										143		143	5,866	1,754	7,620
Mar.	"	27		1,288	100	3,987	514	5,302	614	5,916	97										97		97	5,399	614	6,013
Apr.	"	86	3	1,972	194	2,918	37	4,926	234	5,160	385		250				68	17	122	14	825	31	856	5,751	265	6,016
May	"	15	3	575	119	388	244	978	366	1,344	96		43		17		17		66		239		239	1,217	366	1,583
June	"	33	6	1,316	287	776	226	2,125	519	2,644	97	96	155	108	18		17		7		294	204	498	2,419	723	3,142
July	"	24	9	1,262	529	564	205	1,850	743	2,593	191		332	31					36		559	31	590	2,409	774	3,183
Total		219	79	11,906	4,926	17,455	5,499	29,580	10,504	40,084	1,513	166	1,664	316	71		102	17	231	14	3,581	513	4,094	33,161	11,017	44,178
Dec.	D	228	60	14,562	6,530	25,898	11,552	40,688	18,142	58,830	2,514	771	4,515	573	145		250	146	476	243	7,900	1,733	9,633	48,588	19,875	68,463
Jan'y	"	306	153	20,114	10,365	34,637	16,330	55,057	26,848	81,905	2,872	254	4,692	476	4	18	284	51	630	47	8,482	846	9,328	63,539	27,694	91,233
Feb'y	"	276	99	13,336	6,428	18,390	4,255	27,002	10,782	37,781	3,756	268	6,288	184	75		709	5	1,449	65	12,277	522	12,799	39,279	11,304	50,583
Mar.	"	171	9	9,539	1,432	15,620	3,465	25,330	4,906	30,236	3,547	1,111	5,927	696	104	17	434	27	1,042	176	11,054	2,027	13,081	36,384	6,933	43,317
Ap'l	"	207	36	9,150	1,786	15,657	1,433	25,014	3,255	28,269	3,526	257	5,207	1,270	83		340	246	743	410	9,899	2,183	12,082	34,913	5,438	40,351
May	"	138	42	5,472	1,587	9,416	1,326	15,026	2,953	17,981	3,386	425	3,525	333	150	17	335	119	606	194	8,002	1,088	9,090	23,028	4,043	27,071
June	"	132	45	5,673	1,913	10,753	957	16,558	2,915	19,473	2,658	851	2,819	394	90		165	102	334	175	6,066	1,522	7,588	22,624	4,437	27,061
July	"	174	24	9,771	2,827	8,274	1,175	18,219	4,026	22,245	3,446	553	2,936	1,003	105		221		497		7,205	1,556	8,761	25,424	5,582	31,006
Total		1,842	468	87,407	32,868	133,645	40,493	222,894	73,829	296,723	25,705	4,490	35,909	4,929	756	52	2,738	696	5,777	1,310	70,885	11,477	82,362	293,779	85,306	379,085

MILEAGE OF FLAT CARS IN BOSTON CAR TRUST, SERIES "A," "B," & "D."

Period from Feb'y 1st, 1883, to August 1st, 1883.

Months.	Series.	Tol. Ter. Div.		Toledo Div.		St. L. Div.		Total Tol. Ter. & Tol. & St. L. Div's.			Day. Div.		So. E. Div.		Iron Div.		Cin. Div.		Cin. Nor.		Total Southern Div's.			Total of all divisions.		
		Loads.	Empties.	Loads.	Empties.	Loads.	Empties.	Loads.	Empties.	Total.	Loads.	Empties	Loads.	Empties.	Loads.	Empties.	Loads.	Empties	Loads.	Empties.	Loads.	Empties.	Total.	Loads.	Empties.	Total.
Feb'y	A	30	9	1,133	496	107	58	1,270	563	1,833	1,703	569	166	75			7	17			1,876	661	2,537	3,146	1,224	4,370
Mar.	"	78	3	2,196	955	807	965	3,081	1,923	5,004	3,200	1,942	517	1,180			92	80			3,809	3,202	7,011	6,890	5,125	12,015
Ap'l	"	69	57	2,687	2,178	664	688	3,420	2,923	6,343	2,099	1,505	780	1,228			70	30			2,949	2,763	5,712	6,369	5,686	12,055
May	"	63	60	2,982	1,979	1,296	642	4,341	2,681	7,022	1,722	1,505	842	449			94	81			2,658	2,135	4,793	6,999	4,816	11,815
June	"	90	45	3,087	3,088	2,007	1,946	5,184	5,079	10,263	1,894	1,073	593	214			78	44	68	25	2,633	1,356	3,989	7,817	6,435	14,252
July	"	63	24	3,518	3,061	531	873	4,112	3,958	8,070	1,986	909	891	760	34	48	73	72	7	50	2,991	1,839	4,830	7,103	5,797	12,900
Total		393	198	15,603	11,757	5,412	5,172	21,408	17,127	38,535	12,604	7,603	3,789	3,906	34	48	414	324	75	75	16,916	11,956	28,872	38,324	29,083	67,407
Feb'y	B	66	6	2,408	517	856	300	3,330	823	4,153	3,168	1,004	870	538			72	17			4,110	1,559	5,669	9,440	2,382	9,822
Mar.	"	108	21	4,963	1,491	1,827	833	6,898	2,345	9,243	4,962	3,087	1,480	1,578			163	97			6,605	4,762	11,367	13,503	7,107	20,610
Apr.	"	162	69	4,613	3,109	853	482	5,628	3,660	9,288	3,506	1,979	2,659	1,671			121	69			6,286	3,719	10,005	11,914	7,379	19,293
May	"	84	72	4,700	4,150	1,175	643	5,959	4,865	10,824	2,429	2,275	1,328	788			104	56			3,861	3,119	6,980	9,820	7,984	17,804
June	"	45	27	2,732	3,592	2,428	2,391	5,205	6,010	11,215	2,269	1,078	1,976	616			269	101	413	163	4,927	1,958	6,885	10,132	7,968	18,100
July	"	48	6	7,023	7,428	1,986	3,754	9,057	11,188	20,245	2,314	1,263	1,598	1,187	12	36	121	125	101	139	4,146	2,750	6,896	13,203	13,938	27,141
Total		513	201	26,439	20,287	9,125	8,403	36,077	28,891	64,968	18,648	10,686	9,911	6,378	12	36	850	465	514	302	29,935	17,867	47,802	66,012	46,758	112,770
Feb'y	D	48	3	1,432	506	451	560	1,931	1,069	3,000	2,562	752	90	304			51				2,703	1,056	3,759	4,634	2,125	6,759
Mar.	"	99	27	3,787	1,631	522	419	4,408	2,077	6,485	4,822	3,068	1,200	1,113			281	88			6,303	4,269	10,572	10,711	6,346	17,057
Apr.	"	105	57	3,637	2,184	512	313	4,254	2,554	6,808	2,867	1,404	1,256	1,547			77	81			4,200	3,032	7,232	8,454	5,586	14,040
May	"	51	48	4,033	4,145	1,167	349	5,251	4,542	9,793	2,464	1,852	1,177	532			64	87			3,705	2,471	6,176	8,956	7,013	15,969
June	"	36	24	4,257	3,867	1,400	989	5,693	4,880	10,573	2,240	1,070	1,120	838			76	45	35	14	3,471	1,967	5,438	9,164	6,847	16,011
July	"	39	12	8,385	8,118	340	1,800	8,737	9,930	18,667	979	1,095	951	971	12		42	76		7	1,984	2,149	4,133	10,721	12,079	22,800
Total		378	170	25,504	20,450	4,392	4,430	30,274	25,052	55,326	15,934	9,241	5,794	5,305	12		591	377	35	21	22,366	14,944	37,310	52,640	39,996	92,63

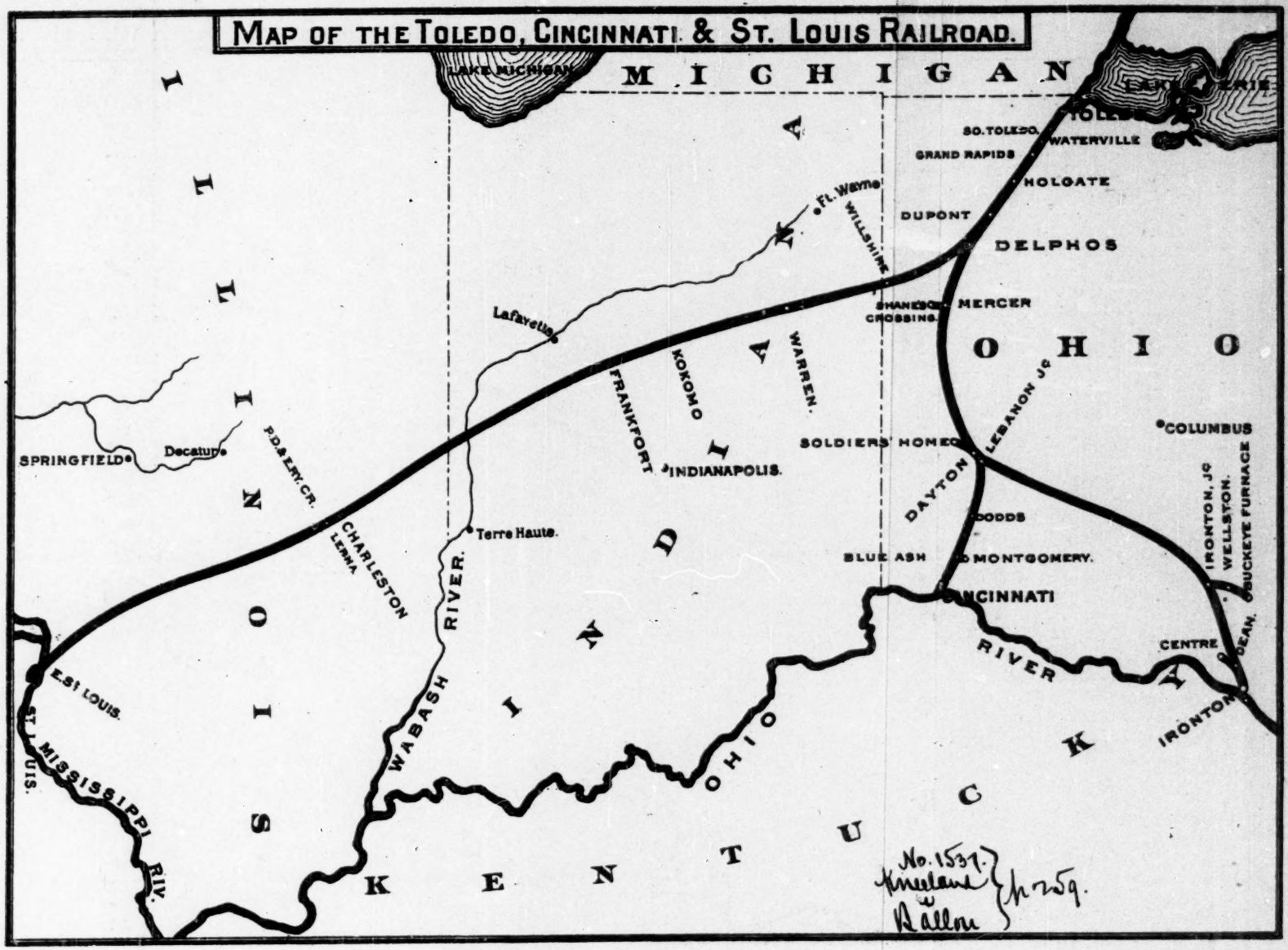
Period from Aug. 1st, 1883, to Dec. 1st, 1883.

Aug.	C	24	42	1,565	1,666	864	661	2,453	2,369	4,822	2,145	1,215	848	664	11		80	37	51	37	3,135	1,953	5,088	5,588	4,322	9,910
Sept.	"	18	48	1,753	2,240	428	739	2,199	3,027	5,226	2,620	1,823	1,657	904			29	27	106	30	4,412	2,784	7,196	6,611	5,811	12,422
Oct.	"	36	9	4,712	4,013	790	313	5,538	4,335	9,873	1,840	949	1,559	771				17		11	3,399	1,748	5,147	8,937	6,083	15,020
Nov.	"	66	9	3,646	1,632	1,070	1,490	4,782	3,131	7,913	2,118	378	1,394	690			89	28	115	25	3,716	1,121	4,837	8,498	4,252	12,750
Total		144	108	11,676	9,551	3,152	3,203	14,972	12,862	27,834	8,723	4,365	5,458	3,029	11		198	109	272	103	14,662	7,606	22,268	29,634	20,468	50,102
Aug.	B	27	18	1,915	1,081	1,041	2,412	2,983	3,511	6,494	3,367	2,622	431	591		33	136	24	146	30	4,080	3,304	7,384	7,063	6,815	13,878
Sept.	"	27	15	1,378	716	761	508	2,270	1,636	3,906	2,849	2,783	1,192	811	12	12	126	68	127	109	4,306	3,783	8,089	6,576	5,419	11,995
Oct.	"	39	12	15,556	5,186	2,361	3,976	17,956	9,174	27,130	3,384	1,780	1,524	552	46	34	72	74	98	144	5,124	2,584	7,708	23,080	11,758	34,838
Nov.	"	84	27	3,979	2,049	3,759	2,751	7,822	4,827	12,649	574	688	2,085	236	28	17	126	24	159	80	3,972	1,045	5,017	11,794	5,872	17,666
Total		186	72	22,923	9,429	7,922	9,647	31,031	19,148	50,179	11,174	7,877	5,232	2,190	86	96	460	190	530	363	17,482	10,716	28,198	48,513	29,864	78,377
Aug.	D	21	36	1,559	1,942	402	2,320	1,982	4,298	6,280	1,816	1,301	689	740		11	92	29	14	14	2,611	2,095	4,706	4,593	6,393	10,986
Sept.	"	30	18	1,479	110	1,356	638	2,761	1,369	4,130	5,399	3,873	891	925	21		159	158	279	192	6,749	5,148	11,897	9,510	6,517	16,027
Oct.	"	12	6	3,668	4,677	773	4,219	4,453	8,902	13,355	3,004	2,282	917	645	24		28	27		25	3,973	2,979	6,952	8,426	11,881	20,307
Nov.	"	27	3	2,883	1,935	3,183	1,458	6,093	3,396	9,489	1,353	721	1,556	781	34		5	24		11	2,948	1,537	4,485	9,041	4,933	13,974
Total		90	63	9,485	9,267	5,714	8,635	15,289	17,965	33,254	11,572	8,177	4,053	3,091	79	11	284	238	293	242	16,281	11,759	28,040	31,570	29,724	61,294

MILEAGE OF FLAT CARS IN BOSTON CAR TRUST, SERIES "A," "B," & "D"—CONTINUED.

PERIOD FROM DEC. 1ST, '83, TO AUGUST 1ST, '84.

Month.	Series.	Ter. Div.		Toledo Div.		St. L. Div.		Total Tol. Ter. & Tol. & St. L. Div.			Day. Div.		Co. E. Div.		Iron Div.		Cin. Div.		Cin. Nor.		Total South. Div.			Total of all div's.		
		Loads.	Empties.	Loads.	Empties.	Loads.	Empties.	Loads.	Empt.	Total.	Loads.	Empt.	Loads.	Empt.	Loads.	Empt.	Loads.	Empt.	Loads.	Empt.	Loads.	Empt's.	Total.	Loads.	Empt's.	Total.
Dec.	A	66	33	2,653	1,399	2,639	1,225	5,358	2,657	8,015	1,442	539	555	217		16	89	55	96	72	2,182	899	3,081	7,540	3,556	11,096
Jan'y	"	39	15	2,090	907	3,124	828	5,253	1,750	7,003	1,224	905	367	233	4		21	7	36	25	1,652	1,170	2,822	6,905	2,920	9,825
Feb'y	"	42	24	1,614	926	724	923	2,380	1,873	4,253	899	452	768	484			7	14			1,674	950	2,624	4,054	2,823	6,877
Mar.	"	81	39	1,938	746	1,185	814	3,204	1,599	4,803	1,039	984	457	207	54		65	24	67	56	1,682	1,271	2,955	4,886	2,870	7,756
Apr.	"	60	9	2,523	1,069	2,199	1,635	4,782	2,713	7,495	1,547	997	317	281	22	15	83	45	208	209	2,177	1,547	2,724	6,959	4,260	11,219
May	"	30	21	1,379	1,313	481	670	1,890	2,004	3,894	905	936	870	590	42		139	110	241	166	2,197	1,802	3,999	4,087	3,806	7,893
June	"	30	39	1,539	1,152	201		1,770	1,191	2,961	1,049	631	884	573			69	67	88	77	2,090	1,348	3,438	3,860	2,539	6,399
July	"	30	24	2,834	4,050	303	1,711	3,167	5,785	8,952	683	899	31	22	86		55	66	151	88	1,006	1,075	2,081	4,173	6,860	11,033
Total		378	204	16,570	11,562	10,856	7,806	27,804	19,572	47,376	8,788	6,343	4,249	2,607	208	31	528	388	887	693	14,660	10,062	24,722	42,464	29,634	72,098
Dec.	B	54	24	4,063	2,681	7,432	3,354	11,549	6,059	17,608	1,927	655	1,135	140	30	11	44	24	102	30	3,238	860	4,098	14,787	6,919	21,706
Jan'y	"	27	27	2,684	998	1,878	1,038	4,589	2,063	6,652	2,057	726	388	179	24	36	17		33	22	2,519	963	3,482	7,108	3,026	10,134
Feb'y	"	90	26	3,158	828	848	524	4,096	1,388	5,484	2,285	654	667	1,070		8	68		130	5	3,151	1,737	4,888	7,247	3,125	10,372
Mar.	"	129	39	3,116	1,085	2,747	1,704	5,992	2,828	8,820	1,904	1,101	1,445	622	14	14	68	34	166	108	3,597	1,879	5,476	9,589	4,707	14,296
Ap'l	"	48	21	2,286	1,357	4,616	4,040	6,950	5,418	12,368	1,692	467	1,913	1,049	67		124	69	238	185	4,034	1,770	5,804	10,984	7,188	18,172
May	"	30	6	3,015	2,657	1,525	925	4,570	3,588	8,158	1,548	1,462	937	1,120	45	29	151	150	207	285	2,888	3,046	5,934	7,458	6,634	14,092
June	"	21	24	2,054	2,285	1,808	1,856	3,883	4,165	8,048	1,184	1,026	1,326	1,214		12	66	83	59	69	2,635	2,404	5,039	6,518	6,569	13,087
July	"	15	15	3,054	3,472	1,126	925	4,195	4,412	8,607	1,326	1,009	403	107	53		19	14	11		1,803	1,130	2,933	5,998	5,542	11,540
Total		414	192	23,430	15,363	21,980	14,366	45,824	29,921	75,745	13,923	7,100	8,214	5,501	233	110	548	374	947	704	23,865	13,789	37,654	69,689	43,710	113,399
Dec.	D	48	27	2,082	2,556	2,746	2,025	4,876	4,608	9,484	2,670	1,252	2,195	667	42	37	68	22	73	31	5,048	2,009	7,057	9,924	6,617	16,541
Jan'y	"	48	21	2,937	1,019	1,742	371	4,727	1,411	6,138	2,101	1,348	667	1,083		30	17	17	33	31	2,818	2,509	5,327	7,545	3,920	11,465
Feb'y	"	75	42	1,838	1,035	72	90	1,985	1,167	3,152	1,538	875	1,114	1,302			68	21	144	33	2,874	2,231	5,105	4,859	3,398	8,257
Mar.	"	93	42	2,757	1,214	971	442	3,821	1,698	5,519	1,773	1,198	1,185	716	26	4	17	24	93	80	3,094	2,022	5,116	6,915	3,720	10,635
Apr.	"	54	12	2,599	1,902	1,065	898	3,718	2,812	6,530	1,450	1,174	1,473	1,362	22	11	163	40	326	113	3,434	2,700	6,134	7,152	5,512	12,664
May	"	24	6	3,137	3,277	260	483	3,421	3,766	7,187	723	538	796	1,151	11		131	151	390	349	2,051	2,189	4,240	5,472	5,955	11,427
June	"	18	12	2,273	2,010	688	599	2,979	2,621	5,600	624	528	447	341			89	116	117	274	1,277	1,259	2,536	4,256	3,880	8,136
July	"	3	21	2,125	2,129	484	338	2,612	2,488	5,100	1,035	207	94	100	220			17	13	24	1,362	848	2,210	3,974	3,336	7,310
Total		363	183	19,478	15,142	8,028	5,246	28,139	20,571	48,710	11,914	7,620	7,981	6,722	321	82	553	408	1,189	935	21,958	15,767	37,725	50,097	36,338	86,435


MAP OF THE TOLEDO, CINCINNATI & ST. LOUIS RAILROAD.
LAKE MICHIGAN
MICHIGAN
ILLINOIS
INDIANA
OHIO
KENTUCKY
SO. TOLEDO
WATERVILLE
GRAND RAPIDS
HOLGATE
DUPONT
DELPHOS
Ft. Wayne
WILLSHIRE
SHANESCO CROSSING
MERCER
Lafayette
KOKOMO
WARREN
FRANKFORT
INDIANAPOLIS
SOLDIERS' HOME
LEBANON JC
COLUMBUS
SPRINGFIELD
Decatur
P.D.&EVV.CR.
CHARLESTON
LENNA
Terre Haute
DAYTON
CODDS
BLUE ASH
MONTGOMERY
CINCINNATI
IRONTON, JC
WELLSTON
BUCKEYE FURNACE
CENTRE
RIVER
IRONTON
E.St LOUIS
ST LOUIS
MISSISSIPPI RIV.
WABASH RIVER
OHIO
No. 1537.
Kneeland & Fallon
Ch 259.